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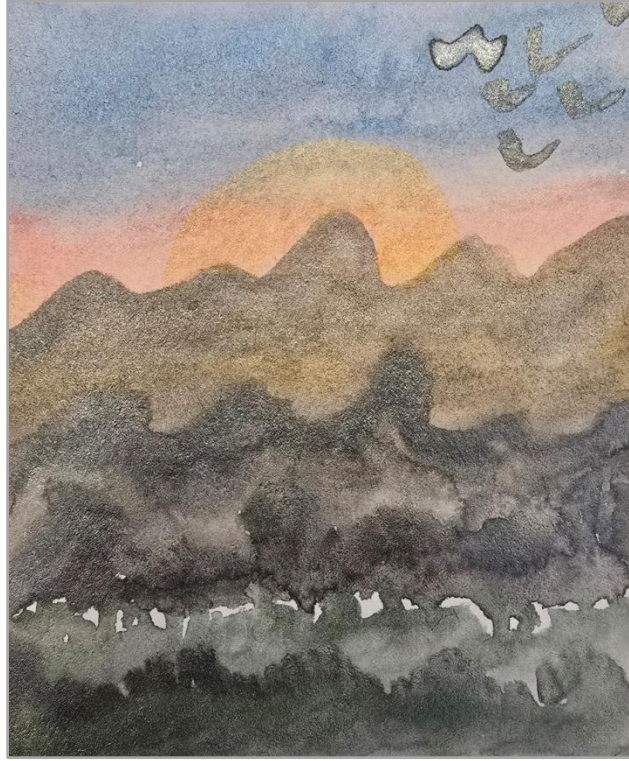
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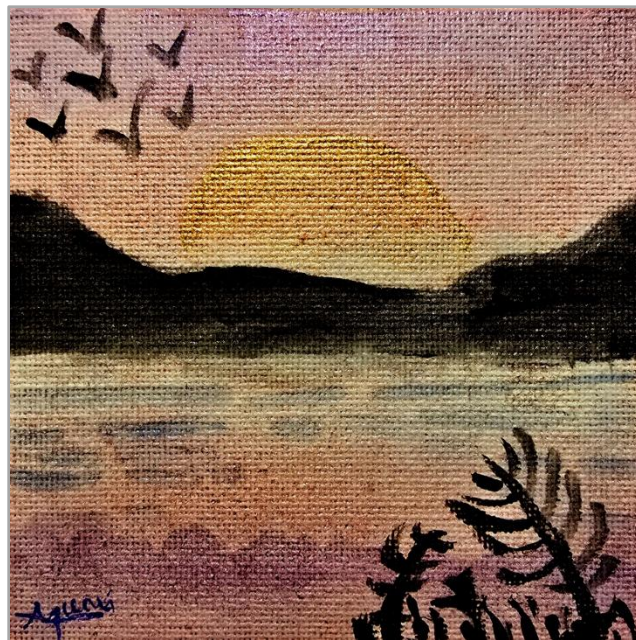
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Freedom and Personal Autonomy as the Foundation of Private International Law and the Cornerstone of Individual Rights in the AI Era

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Abstract

An examination of private international law manuals and relevant legislation demonstrates that the autonomy of the will constitutes a fundamental epistemological principle underpinning the field. However, this freedom is neither absolute nor unbounded. The binding force of pacta sunt servanda, the limitations imposed by public law, the operation of mandatory rules (lois de police), the demands of public policy (ordre public), and the necessity of protecting weaker parties all constrain its exercise. In contemporary private international law, the principle has evolved into a pervasive and dynamic norm, deeply embedded in legal practice while continuously adapting to new challenges. In the emerging era of artificial intelligence, the autonomy of the will must be reaffirmed as a cornerstone of individual rights, ensuring the preservation of personal freedom amidst technological transformations.

Keywords

Autonomy of the Will; Private International Law; Kant; Artificial Intelligence; AI Act; European Union; Freedom

INTRODUCTION

Before commencing the present analysis, it is important to note that the words of Prof. Oriol Casanovas (1976) resonate strongly in this context. The caution and ambition expressed in his insightful publication on the will's autonomy are considered. The challenges and intricacies of this topic make it a particularly delicate subject within the Private International Law (PIL) field. Addressing such a vast and multifaceted issue in a limited space may seem presumptuous. The task becomes even more ambitious when aiming to liberate the autonomy of the will from the contractualist constraints to which it has traditionally been confined.

The purpose of this article is not to provide a comprehensive or exhaustive analysis of all dimensions and implications of the matter. Such an endeavor would require a much broader scope. Instead, the aim is to offer a broad and thought-provoking reflection, emphasizing the significant and potentially transformative impact that AI may have on the discipline. By considering these changes, the article seeks to contribute to a deeper understanding of the evolving landscape of PIL in the face of technological advancements while acknowledging the inherent complexities of such a discussion.

AUTONOMY

The starting point for the analysis is the etymological breakdown of the term “autonomy of the will.” The term “autonomy” derives from the Greek nouns *autos* (self, same) and *nomos* (law), meaning living by one’s laws. The addition of “will” refers to the desire or intention to act according to those self-imposed laws. When transplanted into the domain of private law, party autonomy is understood as the ability of individuals or entities to choose the court or the applicable law governing their legal relationships. While this principle establishes rights and obligations for the parties involved, it is not a source of PIL. Instead, the sources of PIL are found in treaties and statutes that permit party autonomy within the limits defined by those legal instruments (Oyarzábal 2023, 332).

The autonomy of the will is regarded as a foundational principle of PIL (Basedow 2011, 32). In this sense, it has been stated that the concept of liberty safeguarded by private law is nearly as ancient as PIL. Some scholars trace its origins to the Ptolemaic period in Egypt, based on studies of papyri used to preserve mummified crocodiles discovered in a cemetery in the province of Fayum. These papyri reveal a notable conflict rule: contracts between Egyptians and Greeks were governed by the law of the language in which the contract was written. This practice implied recognition of the autonomy of the will, as the choice of language determined both the jurisdiction and the applicable law (Casanovas 1976, 1018). Other authors point to Hellenistic times as the period when the conceptualization of what is perhaps the most widely accepted private international rule of our time began to take shape (Symeonides 2010, 514; Juenger 1993, 7-8; Gardeñes 2003).

The concept of autonomy was historically applied primarily to the political-public domain, particularly concerning sovereign states and city-states, emphasizing their capacity for self-legislation. This remains evident today, as seen in the designation of sub-state entities in Spain as *autonomous communities* and Greece as *nomoi*. The application of autonomy expanded significantly with the work of Immanuel Kant (1904), who extended the concept to constructing his theory of morality (p. 90).

In Kantian philosophy, the autonomy of the will is itself a law and is considered the foundation of morality. Kant’s moral theory is characterized by adapting political and legal concepts such as law, legislation, and autonomy (Rear 2006, 121). Autonomy emerges as a third practical principle, following the two formulas of the Categorical Imperative: the formula of Universal Law and the Formula of Humanity (Rear 2006, 121).

Kant defines the autonomy of the will as “the property of the will by which it is a law to itself,” viewing it as a form of self-legislation that safeguards a domain of discretion. This allows individuals to exercise judgment and make decisions based on their assessment of a situation within certain limits or guidelines (Kant 1904, 80). In legal contexts, autonomy implies the ability to act while adhering to overarching principles or rules, translating into an equivalence between *pacta* (agreements) and *lex private* (private law) (Casanovas 1976, 1019).

Scholars of PIL have naturally drawn upon Kant’s work in exploring the autonomy of the will, its origins, and its epistemological conceptualization (Ranouil 1980, 9–10; Batiffol 2002, 95; Symeonides 2010, 330; Kohler 2013, 332). The principle of autonomy and its regulation, representing the translation of freedom into private law, have sparked significant philosophical debates between legality and legitimacy (Habermas 1987; Schmitt 2004; Kirchheimer 1987).

These debates often center on the relationship between individual freedom and regulation, presenting an apparent dichotomy between law and freedom. This dichotomy leads to a reductionist axiom: where law exists, there is no free act (Batiffol 2002, 95).

However, those who reject a rigid divide between law and freedom argue that freedom can be realized even within acts that comply with legal norms. This perspective suggests that adherence to the law does not inherently restrict individual liberty but can instead express it (Batiffol 2002, 95).

Principle of Autonomy in PIL

In PIL, there has been an effort to extend the concept of freedom further, arguing that it inherently includes rejecting the authority of any positive law—essentially upholding the Kantian autonomy of the will. However, contemporary perspectives increasingly favor a more organic and cohesive view of the individual's role in society, which does not sharply separate the domain of law from that of freedom (Batiffol 2002, 96).

The pioneering epistemological construction of the autonomy of the will is often attributed to Charles Dumoulin, a 16th-century French legal scholar, who laid the groundwork for understanding this concept within PIL (Symeonides 2010, 514; Halpérin 2014, 463). Dumoulin's theory emerged from his analysis of the *De Ganay* case, where he argued that the matrimonial economic regime rested on a tacit agreement, thereby presuming the intention (will) of the parties (Casanovas 1976, 1003; Halpérin 2014, 463). However, modern scholars have criticized this attribution to Dumoulin. Dreyfus and Caleb acknowledge the role of will in legal acts, particularly in matrimonial agreements, but view it as intuitive and lacking significant practical consequences (Ranouil 1980, 11). Niboyet dismisses Dumoulin's contribution as a legal subterfuge (Ranouil 1980, 11; Niboyet 1927, 9-10), while Batiffol argues that the choice of matrimonial domicile law was imposed imperatively rather than being a self-evident principle based on logic or justice (Ranouil 1980, 11; Batiffol 2002, 23).

The autonomy of the will, rooted in legal doctrine, signifies that the will is both the origin and the standard of subjective rights, acting as a creative force in the formation of law. It became the cornerstone of the philosophy of legal individualism that dominated the 19th century (Ranouil 1980, 10). Until the 19th century, conflicts regarding contract law were rare. Most commercial contracts were governed by customary practices (*lex mercatoria*), and even international contracts posed few problems, as the principle of *locus regit actum* (the law of the place where the contract was made) provided a logical and legally certain solution (De Oliveira and Borger Prado 2019, 427).

During the 19th century, commerce and industry in Europe broke free from restrictive frameworks driven by liberal trends. Individual actors gained prominence in economic and political spheres, and state interventionism gave way to liberalism (Kohler 2013, 329). This shift was reflected in the autonomy granted to economic operators, particularly through contractual freedom, which allowed parties to define the terms of their agreements within the boundaries of mandatory legal provisions (Kohler 2013, 329).

The tension between the autonomy of the will and legal regulations became a central focus of internationalist doctrine (Kohler 2013; Ranouil 1980), particularly in analyzing the evolution of the principle during the 19th century. This analysis highlights the contributions of

two pivotal figures, Friedrich Carl von Savigny and Pasquale Stanislao Mancini, whose contrasting views reflected broader philosophical and methodological differences in their approaches to PIL.

Savigny preferred the concept of “voluntary submission” over autonomy of the will to explain conflicts of law, particularly in contractual matters. He argued that the parties’ autonomy was expressed through their choice of the connecting factor—such as the place of conclusion or performance of the contract—which designated the relevant legal jurisdiction (Kohler 2013, 329; Savigny 1849, 248). Savigny sought to identify the “seat” of each legal relationship, aiming to determine the legal territory to which it naturally belonged (Symeonides 2021, 49). He aimed to ensure that multistate disputes would be resolved consistently, regardless of where they were litigated (Symeonides 2021, 49). Although the German codification (EGBGB) of 1900 primarily consisted of unilateral rules, Savigny’s advocacy for multilateralism proved influential in the long term (Symeonides 2021, 63-144).

On the other hand, Mancini placed individual autonomy within the context of cross-border private law relations. He emphasized the harmony between private freedom and the exercise of social power, arguing that state intervention should cease where individual freedom is harmless and legitimate (Mancini 1874, 221, as cited in Kohler 2013, 330). For Mancini, the autonomy of the will was a principle that should govern, as it posed no threat to state interests.

The 19th century is often regarded as the era of the establishment of the autonomy of the will, marked by liberalism and *laissez-faire* policies, which granted parties maximum freedom in contractual matters (Casanovas 1974, 1004; Symeonides 2021). In contrast, the 20th century saw the rise of state interventionism, which, while not entirely suppressing the autonomy of the will, imposed limitations to protect weaker parties. These limitations were based on public law principles, such as *lois de police* and *ordre public*, as well as mandatory rules, as seen in the Rome I Regulation and the Brussels I Recast Regulation (EU No 1215/2012).

These limitations should not be interpreted as diminishing the significance of the autonomy of the will. On the contrary, they strengthen the principle by ensuring fairness and protecting vulnerable parties. For example, the 1991 resolution of the *Institut de Droit International* on “the Autonomy of the Parties in International Contracts Between Private Persons or Entities” reaffirms the principle as a fundamental aspect of PIL, enshrined in various conventions and United Nations resolutions (Jayme 1991, Preamble). This underscores the enduring importance of the autonomy of the will in PIL, even as it adapts to new regulatory challenges in emerging areas.

METHODOLOGY

The methodology of this paper adopts an analytical and descriptive approach, aiming to examine the principle of the autonomy of the will within PIL and assess its adaptability in the era of artificial intelligence (AI). By analyzing historical and contemporary legal frameworks, the paper seeks to provide a comprehensive understanding of the challenges AI poses to this foundational principle.

The study utilizes a combination of primary and secondary sources. Primary sources include treaties, regulations — such as Rome I, Rome II, and Brussels I Recast — and legislative texts directly impacting PIL. These sources form the legal foundation necessary to evaluate the

current state of the autonomy of the will. Secondary sources consist of scholarly works and interpretations by key jurists such as Savigny, Mancini, and others, whose contributions have significantly shaped the understanding of autonomy in international law.

The procedure systematically examines legal texts and doctrines to assess their effectiveness in addressing AI-related challenges. This includes a review of specific regulations and case law to understand the limitations imposed on the autonomy of the will and the potential need for new legal frameworks. The analysis is complemented by an interpretative approach, extracting underlying principles, limitations, and implications for the evolving landscape of PIL.

The paper employs a qualitative approach to data analysis, focusing on interpreting legal principles rather than quantitative data or empirical methods. A comparative approach highlights differences in legal perspectives across various jurisdictions and historical contexts. This comparative analysis helps identify gaps in the existing literature and potential areas for reform. By critically assessing the adequacy of current PIL frameworks, the paper aims to provide insights into how the principle of autonomy of the will can be preserved and adapted in response to emerging AI-related challenges.

STATE OF THE ART: AUTONOMY OF THE WILL AND ITS MODERN PROFILE

The Paradox of Autonomy of the Will

This section briefly examines the “paradox of the autonomy of the will.” It systematically analyses the limitations on autonomy to protect the principle and equity within contractual relationships. While these limitations restrict autonomy in certain cases, they aim to ensure fairness and balance in legal agreements. The purpose of this analysis is to apply this rationale to the development of an appropriate response within PIL, particularly in addressing the emerging challenges posed by the rapid and exponential growth of artificial intelligence (AI). This response seeks to reconcile the need for individual autonomy in legal matters with the increasing necessity for regulation and oversight, given the transformative effects of AI on societal structures and legal frameworks.

Reviewing any PIL textbook reveals party autonomy’s central and expansive role in today’s discipline. Over the years, party autonomy has evolved from a limited principle applicable primarily to contractual matters into a cornerstone of modern PIL, influencing areas such as international commercial arbitration, family law, and even cross-border disputes involving torts or property. For instance, Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions, and acceptance and enforcement of authentic instruments in matters of succession, as well as the creation of a European Certificate of Succession, and Council Regulation (EU) 2016/1103 of 24 June 2016 implementing enhanced cooperation in the area of jurisdiction, applicable law, and the recognition and enforcement of decisions in matters of matrimonial property regimes, illustrate this evolution.

The growing prominence of party autonomy reflects a broader shift toward empowering individuals and entities to shape their legal relationships across borders according to their preferences and needs, while operating within the frameworks established by national laws and

international conventions. This evolution underscores the adaptability of PIL to the realities of globalization and the increasing complexity of transnational interactions. Due to space constraints, this section imposes a dual limitation: the first is “territorial,” focusing on the European framework, and the second is “material,” encompassing the principle of autonomy of the will in determining judicial jurisdiction and the applicable law in contractual and non-contractual matters.

Judicial Competence and Party Autonomy

As established by methodological casuistry in PIL, the analysis of the autonomy of the will begins with judicial competence, specifically how the autonomy of the will influences one of the most important dimensions of PIL. This approach considers that each court determines its competence based on its jurisdictional rules (Arenas García 2023, 43). International judicial jurisdiction differs significantly from domestic jurisdiction, as multiple judicial bodies within each national legal system have the authority to adjudicate different types of disputes (Fernández Rozas and Sánchez Lorenzo 2020, 54).

In establishing rules on international judicial jurisdiction, legislators consider the interests and legislative policy objectives relevant to each specific area or sector and fundamental guiding principles. One of the most significant of these is the principle of party autonomy, which allows the parties to designate the internationally competent courts through either explicit (Article 25) or tacit submission (Article 26). As mentioned before, this autonomy is not absolute; it must operate within a framework of legal limitations designed to ensure fairness, prevent abuses, and uphold the broader public interest (Vinaixa Miquel 2023, 72).

The Brussels I Recast Regulation

Regarding international judicial jurisdiction, in addition to domestic regulations, Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 (Brussels I Recast) governs jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. Several EU regulations and multilateral conventions of notable significance must also be considered, each with a more sector-specific or *ratione materiae* focus. In some conventional texts, matters of international judicial jurisdiction are referred to as the “common regime of the member states” (Fernández Rozas and Sánchez Lorenzo 2020, 56-58).

The Brussels I Recast Regulation applies to civil and commercial matters, irrespective of the nature of the court or tribunal, but expressly excludes customs and administrative matters, as well as cases involving state liability and actions or omissions of the state in the exercise of its authority (*acta iure imperii*). Article 24 establishes jurisdiction in certain matters based on the principle of public or general interest of the State and the proximity of the dispute. This list of exclusive fora, understood as *numerus clausus*, applies regardless of the parties’ domicile. The jurisdiction in the European Union varies depending on the nature of the case. Courts in the Member State where the immovable property is located (*forum rei sitae*) have jurisdiction over rights in rem and tenancies, except for short-term private leases of up to six months, where courts in the defendant’s domicile may also have jurisdiction under certain conditions.

Disputes concerning the validity, nullity, or dissolution of companies fall under the jurisdiction of the Member State where the company has its seat, as determined by private international law. The courts handle cases involving the validity of public register entries in the jurisdiction where the register is maintained. Intellectual property disputes related to registration or validity fall under the jurisdiction of the Member State where the right was registered or applied for. Lastly, the enforcement of judgments is the responsibility of the courts in the Member State where enforcement is sought (Brussels I Recast, Article 24).

Explicit and Tacit Submission

The Brussels I Recast Regulation recognizes party autonomy in determining the competent courts for potential legal proceedings, both explicitly and implicitly. Explicitly, before the procedure begins, Article 25(1) establishes that if the parties, regardless of their domicile, have agreed that a court or the courts of a Member State shall have jurisdiction over any disputes arising or that may arise in connection with a specific legal relationship, those courts shall have jurisdiction — unless the agreement is deemed null and void concerning its substantive validity under the law of that Member State.

Unless otherwise agreed by the parties, this jurisdiction shall be exclusive (Brussels I Recast, Article 25). The jurisdiction clause must be clear and precise to demonstrate the parties' consent reliably. The choice of courts may be general or specific, but clauses that do not explicitly identify the competent court are also valid. In such cases, it becomes necessary to interpret and supplement the parties' intentions (CJEU, 9 November 2000, C-387/98, *Coreck Maritime*; Vinaixa Miquel 2023, 81). The chosen courts must be those of a Member State of the European Union. However, Regulation 1215/2012 does not prohibit parties from submitting to the jurisdiction of a third-state court, subject to certain limitations (CJEU, 17 March 2016, C-175/15, *Taser International*; Vinaixa Miquel 2023, 81).

Once proceedings have commenced, tacit submission is also provided under Article 26. Aside from jurisdiction established under other provisions of the Regulation, a Member State's court shall have jurisdiction before a defendant enters an appearance (Brussels I Recast, Article 26). Tacit submission is derived from the interpretation of the parties' procedural conduct. Filing a claim demonstrates such intent, as does any action by the opposing party—except for lodging a jurisdictional objection based on lack of competence. Tacit submission is subject to two key limitations based on the nature of the dispute.

First, it is not applicable in cases under exclusive jurisdiction (Article 24 in conjunction with Article 26(1)). Second, in disputes arising from contracts involving weaker parties—such as insurance, consumer, or employment contracts—tacit submission is only valid if the court ensures that the weaker party has been properly informed of their right to contest the court's jurisdiction (CJEU, 20 May 2010, C-111/09, *CPP Vienna Insurance Group*; Vinaixa Miquel 2023, 85).

Applicable Law and Party Autonomy

The second key aspect to examine within the PIL methodology is the applicable law and the role of party autonomy in its determination. The latest codified expression of party autonomy in European PIL is found in the European Union's Rome I Regulation of 2008 on the Law Applicable to Contractual Obligations, which replaced the 1980 Rome Convention, as well as in the Rome II Regulation of 2007 on the Law Applicable to Non-Contractual Obligations (Symeonides 2010, 522).

The Rome I Regulation establishes freedom of choice as a fundamental principle within the Uniform Rules of Chapter II. Article 3, titled *Freedom of Choice*, applies to all contracts and begins with clearly asserting the role of party autonomy in contractual matters: "The law chosen by the parties shall govern a contract" (Rome I, Article 3). This principle also appears in the legislation of the European states (Kohler 2013, 305). Article 3 specifically addresses conflictual autonomy, which relates to the parties' ability to choose the applicable law governing their contract. This differs from material autonomy, which refers to the freedom of the parties to determine the substantive terms, rights, and obligations within the contract itself. While conflictual autonomy concerns the legal framework that will regulate the contract, material autonomy focuses on the contractual content agreed upon by the parties (Suquet Capdevila 2023, 424).

The law chosen by the parties must fall within their material autonomy. It may include the law of a state, an international convention, soft law principles, specific international practices, or an INCOTERM (Suquet Capdevila 2023, 424). The principle of autonomy is further reinforced in Recital 11, which states: "The parties' freedom to choose the applicable law should be one of the cornerstones of the system of conflict-of-law rules in matters of contractual obligations" (Rome I, Recital 11). This recital emphasizes the importance of party autonomy as a fundamental principle in determining the applicable law for contracts within the European Union.

Given the scope of this paper, the primary focus is on the four more restrictive specific examples that follow Article 3. These apply to certain types of contracts — referred to as "special contracts" — namely, contracts of carriage (Article 5), consumer contracts (Article 6), insurance contracts (Article 7), and individual employment contracts (Article 8). In each case, one party (the passenger, consumer, insured, or employee) is typically in a weaker bargaining position than the other (Symeonides 2010, 522). In this regard, Recital 23 explicitly affirms a policy of protecting weaker parties, stating: "As regards contracts concluded with parties regarded as being weaker, those parties should be protected by conflict-of-law rules that are more favorable to their interests than the general rules" (Rome I, Recital 23).

EVIDENCE FROM THE CASE STUDY

The Role of Autonomy of the Will, PIL, and AI

After introducing evidence from modern regulations such as the Rome I and II Regulations and the Brussels I Recast Regulation, which impose limitations on the autonomy of the will to protect weaker parties and uphold public policy, the paper discusses how these regulations, while restricting autonomy in certain contexts, ultimately reinforce it by ensuring

fairness and legal certainty in cross-border contracts. For example, the Rome I Regulation explicitly upholds party autonomy by allowing parties to choose the applicable law in contracts, subject to certain restrictions to protect consumers and employees.

The paper presents a range of evidence to support its analysis of the autonomy of the will in PIL and the impact of AI. One key source of evidence is the examination of historical cases and doctrines that have shaped the principle of autonomy of the will. For instance, the paper references the Ptolemaic period in Egypt, where contracts between Egyptians and Greeks were governed by the law of the language in which the contract was written. This practice is cited as an early recognition of the autonomy of the will, highlighting the historical roots of this principle in cross-border legal relationships.

Additionally, the paper draws on the philosophical and legal theories of influential jurists such as Kant, Savigny, and Mancini. Kant's definition of autonomy as the ability of the will to be a law unto itself is used to illustrate the foundational role of this principle in both moral and legal contexts. Savigny's concept of "voluntary submission" and Mancini's emphasis on balancing individual freedom with state sovereignty are also discussed as part of the evidence in the case study. These perspectives underscore the longstanding tension between autonomy and regulation in PIL.

In addressing the impact of AI, the paper cites the European Union's AI Act (2024), which introduces a risk-based approach to regulating AI systems, including provisions that could affect the autonomy of contractual parties. The AI Act's emphasis on transparency and accountability in high-risk AI applications is highlighted as evidence of the growing need for regulatory oversight to balance autonomy with public interest. This section of the paper also examines the challenges posed by AI-mediated contracts and the adequacy of existing PIL frameworks to address issues such as jurisdiction, applicable law, and the protection of weaker parties in AI-driven transactions.

By integrating these historical, philosophical, and regulatory perspectives, the paper presents a comprehensive case study that illustrates the evolution and current challenges of the autonomy of the will in PIL. The evidence supports the argument that, while the autonomy of the will remains a cornerstone of PIL, it must be continuously adapted to address new technological challenges, particularly those posed by AI.

Legal Relationships in AI-Mediated Interactions

When users interact with AI systems such as Claude, ChatGPT, or DeepSeek, questions arise regarding the nature of the legal relationship established. Is it contractual or non-contractual? Which jurisdiction has competence, and which law applies? These questions fall within the domain of PIL and highlight the complex interplay between AI, party autonomy, and regulatory frameworks.

At the core of this discussion lies the role of autonomy of the will in the context of AI. The first step is to define AI and assess its implications for contractual and extra-contractual relationships. From a PIL perspective, analyzing the legal solutions that have emerged in response to similar or analogous developments is crucial. One key area of focus is electronic contracting—examining whether existing legal frameworks adequately address AI-mediated

agreements, whether they provide sufficient legal certainty, and whether their analogical application to AI interactions is appropriate.

Beyond contract formation, a fundamental issue arises: should users engaging with AI systems be considered the weaker party? If so, does this necessitate limitations on party autonomy to protect individuals from potential imbalances in bargaining power, unfair terms, or unforeseen legal consequences? Addressing these concerns requires evaluating whether current PIL rules and consumer protection mechanisms are sufficient or if new regulatory approaches are needed to safeguard users in an AI-driven legal landscape.

Defining Artificial Intelligence

The first step in this analysis is to define artificial intelligence and assess its impact on the autonomy of the will. The European Union's AI Act (2024) does not provide a concise definition of AI, likely due to the wide range of tasks and outputs that AI tools can produce (May 2024, 1). Similarly, the lack of a precise definition is evident in the US Executive Order 13960 (Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government) and Section 238(g) of the National Defence Authorization Act of 2019.

According to the Encyclopaedia Britannica, "AI is the ability of a digital computer or computer-controlled robot to perform tasks commonly associated with intelligent beings, and the term is frequently applied to the project of developing systems endowed with the intellectual processes characteristic of humans, such as reasoning, discovering meaning, generalizing, or learning from past experience" (Copeland 2025, 1).

After stating its purpose (Article 1) and scope (Article 2), the AI Act includes a recital with 68 definitions. Among these, an AI system is defined as "a machine-based system that is designed to operate with varying levels of autonomy and that may exhibit adaptiveness after deployment, and that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments" (AI Act, Article 3). Many of these definitions are highly relevant to PIL and the broader objectives of the AI Act, which aims to improve the functioning of the internal market by establishing a uniform legal framework for the development, placing on the market, putting into service, and use of AI systems in the Union. The AI Act also empowers the AI Office to develop and recommend voluntary model terms for contracts between providers of high-risk AI systems and third parties that supply tools, services, components, or processes used for or integrated into high-risk AI systems. When developing these voluntary model terms, the AI Office must consider possible contractual requirements applicable in specific sectors or business cases (AI Act, Article 25).

The preamble of the AI Act narrows its purpose to improving the functioning of the internal market by laying down a uniform legal framework for the development, placing it on the market, putting it into service, and using AI systems. The question arises whether the regulations discussed in this paper and the specific principles of PIL can be applied analogically to the various dimensions affected by AI.

Electronic Contracting and AI

PIL has addressed a related, if not entirely analogous, issue by conceptualizing a new subcategory of special contracts known as electronic contracts. While unification efforts exist in the form of soft law instruments, such as the UNCITRAL Model Law on Electronic Commerce, a fully harmonized legal framework for online commerce has yet to be established. This gap persists not only in terms of substantive law but also concerning procedural rules and conflict-of-law principles (Fernández Rozas and Sánchez Lorenzo 2020, 666). Consequently, the resolution of legal issues arising from electronic contracting over the Internet may begin with applying general legal principles (Fernández Rozas and Sánchez Lorenzo 2020, 666).

New technologies, particularly the Internet, enable the formation of a wide range of international contracts with online and offline obligations. This contractual diversity gives rise to distinct rules on international jurisdiction. Without a specific regulatory framework for cyberspace, the reliance on Online Dispute Resolution (ODR) mechanisms has become increasingly prevalent (Fernández Rozas and Sánchez Lorenzo 2020, 666).

Resolving disputes concerning judicial jurisdiction and applying general legal principles would not automatically lead to applying the Brussels I Bis Regulation, as referenced in Article 25(2). However, other jurisdictional frameworks present challenges stemming from cyberspace's unique complexities. Therefore, any legislative response must consider critical issues such as the difficulty in determining the defendant's domicile, the place of contract execution, and the location of contract formation (Fernández Rozas and Sánchez Lorenzo 2020, 667).

Determining the applicable law presents challenges like those encountered in establishing judicial jurisdiction. Applying the Rome I Regulation is relatively straightforward when the parties have expressly chosen the governing law (Fernández Rozas and Sánchez Lorenzo 2020, 667). However, complexities arise in commercial contracts that must be executed online, particularly those involving chatbot applications or AI-driven tools and platforms such as DeepSeek. In these cases, the lack of physical territorial connections complicates the application of traditional conflict-of-law rules.

The criteria for determining the residence or establishment of the characteristic performer should be the same as those applied to non-electronic contracts. However, when multiple connecting factors point to a jurisdiction different from the performer's formal place of establishment or habitual residence, this could justify the application of an alternative legal framework. Likewise, the electronic address's alignment with the website's targeted market could further support the application of a different legal framework (Fernández Rozas and Sánchez Lorenzo 2020, 667).

Addressing Legal Gaps Posed by AI

Applying the rules highlighted in this article could resolve some legal gaps that artificial intelligence (AI) poses. However, proposals for international AI regulation have not yet achieved significant success. Hundreds of technologists and researchers have warned about the dangers of AI in multiple open letters, with one published in late March 2023 advocating for a six-month pause on developing new AI models (Iyengar 2023). Despite these concerns, the third annual Global AI Summit in Paris failed to achieve consensus on establishing global governance for AI.

Even the final statement, which emphasized “the need for [...] cooperation on AI governance,” proved too ambitious for the United States, the largest global AI player, and Britain, both of which rejected the final declaration (Quarles van Ufford 2025).

The Global Approach to AI Regulation

The global approach to AI regulation may continue to advance through the United Nations (UN) framework, building on the UN’s 2024 initiative for technology governance, the Global Digital Compact. From a rigorous PIL perspective, regulation could be led not only by states and the European Union but also by international organizations such as the Hague Conference on Private International Law (HCCH) and the International Institute for the Unification of Private Law (UNIDROIT). The aim would be to draft a new and specific convention addressing the various aspects of AI that intersect with the core principles of PIL. Such a convention could provide a harmonized legal framework to address the challenges posed by AI in cross-border legal relationships.

The Impact of AI on Human Autonomy

The rapid development of AI has raised complex questions about its impact on human autonomy—constraining it in some instances while promoting it in others (Prunkl 2022, 26). In the context of this policy and governance debate, revisiting the works of Kant and re-engaging with historical debates, such as those of Savigny and Mancini, is not only valuable but essential. These jurists epistemologically and methodologically shaped the discipline of PIL, and their insights remain relevant in addressing the challenges posed by AI.

Revisiting the Origins of PIL in the AI Era

Applying Arenas García’s predictions for globalization, the AI era appears to reposition PIL and the state in a manner reminiscent of a return to their origins (Arenas García 2007). The increasing complexity of transnational interactions driven by AI technologies necessitates evaluating traditional PIL principles, such as the autonomy of the will, to ensure they remain effective in a rapidly evolving legal landscape. This revaluation must balance the need for individual autonomy with the growing necessity for regulatory oversight to address the transformative effects of AI on societal structures and legal frameworks.

The challenges that the approval process that the Proposal for a Directive of the European Parliament and of the Council on adapting non-contractual civil liability rules to artificial intelligence (AI Liability Directive) experienced evidence of some of the difficulties that this topic generates despite the “lower” interventionist profile that the proposal had. Also, considering that the proposal aimed to promote AI uptake and address the risks associated with some of its uses by fostering excellence and trust. In the Report on AI Liability. As the same proposal mentions:

Current national liability rules, in particular based on fault, are not suited to handling liability claims for damage caused by AI-enabled products and services. Under such rules, victims need to prove a wrongful action or omission by a

person who caused the damage. The specific characteristics of AI, including complexity, autonomy and opacity (the so-called “black box” effect), may make it difficult or prohibitively expensive for victims to identify the liable person and prove the requirements for a successful liability claim (AI Liability Directive).

CONCLUSION

The foundational principle of autonomy of the will, which grants parties the freedom to select governing law and jurisdiction in cross-border legal relationships, has long served as a bedrock of PIL. Emerging from Enlightenment thought — particularly Immanuel Kant’s philosophy of rational self-determination — and subsequently refined by 19th-century jurists such as Savigny and Mancini, this doctrine has provided essential coherence to transnational disputes involving contracts, torts, and personal status matters. However, the disruptive emergence of AI systems capable of autonomous decision-making presents novel theoretical and practical challenges that demand a fundamental reassessment of traditional PIL frameworks.

Contemporary AI applications — spanning algorithmic contract formation, automated tortious conduct, and machine-driven corporate governance — increasingly operate across jurisdictional boundaries without direct human intervention. This technological shift exposes critical doctrinal tensions regarding three key PIL considerations: legal subjectivity (whether AI systems can possess any form of legal personality), attribution of liability (particularly where machine learning produces unpredictable outcomes), and the determination of applicable law (when autonomous systems engage with multiple legal orders simultaneously). These challenges suggest that without substantive doctrinal evolution, PIL risks becoming misaligned with the realities of digital transnational interactions.

The path forward requires a dual approach combining institutional innovation and theoretical reconsideration. At the institutional level, developing a specialized international convention under the auspices of the HCCH and UNIDROIT appears imperative. Such an instrument would need to establish: first, a graduated classification system for AI legal status ranging from simple tools to advanced quasi-legal entities; second, modified jurisdictional rules accounting for distributed AI operations; third, conflict-of-law principles responsive to algorithmic decision-making; and fourth, safeguards preserving fundamental rights in automated legal processes. This regulatory framework should build upon existing digital governance models, including the EU’s AI Act and data protection regimes while addressing the unique cross-border dimensions inherent to PIL.

Theoretical reconstruction proves equally vital. Kantian conceptions of autonomy require re-examination in light of machine agency, potentially distinguishing between human moral autonomy and functional decision-making capacity in AI systems. Savigny’s venerable “seat of the legal relationship” doctrine may demand recalibration when applied to decentralized autonomous organizations (DAOs) or AI systems with no clear territorial anchor. Similarly, Mancini’s nationality principle invites reconsideration of whether AI systems could develop analogous connections to specific legal regimes based on development, training data origins, or operational parameters.

This paper inquiry demonstrates that PIL’s adaptation to the AI era must be forward-looking and historically grounded. By engaging in sustained dialogue with legal philosophy

while developing pragmatic regulatory solutions, the discipline can maintain its essential functions of ordering transnational legal relations and protecting individual rights. The autonomy of the will — properly reconceptualized — can continue serving as a guiding principle, but only through thoughtful accommodation of technological realities. Future research should empirically examine how domestic courts and arbitral bodies are already confronting these challenges in practice. At the same time, further theoretical work remains necessary to fully reconcile traditional PIL doctrines with emerging forms of digital legal subjectivity. Ultimately, this evolutionary process will determine whether PIL retains its normative coherence and practical relevance in governing an increasingly automated global legal order.

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REFERENCES

1. Arenas García, Rafael. 2007. "El Derecho internacional privado (DIPr) y el Estado en la era de la globalización: la vuelta a los orígenes", in *Cursos de derecho internacional y relaciones internacionales de Vitoria-Gasteiz = Vitoria-Gasteizko nazioarteko zuzenbide eta nazioarteko herremanen ikastaroak*, [Lessons of International Law and International relations of Vitoria-Gasteiz] 19-94.
2. Arenas García, Rafael. 2023. "Sectors del Dret Internacional Privat I Fonts" [Sectors of Private International Law and Sources] in: Font, Albert, Josep Maria Fontanellas, Miquel Gardeñes, and Georgina Garriga (eds.), *Lliçons de Dret Internacional Privat* [Lessons of Private International Law] (Barcelona: Atelier Llibres Jurídics), 43-62.
3. Basedow, Jürgen. 2011. "Theorie der Rechtswahl oder Parteiautonomie als Grundlage des internationalen Privatrechts." [Theory of Choice of Law or Party Autonomy as the Basis of Private International Law], in *Rabels Zeitschrift für ausländisches und internationales Privatrecht/The Rabel Journal of Comparative and International Private Law*, 32-59.
4. Battifol, Henri. 1938. *Les conflits de lois en matière de contrats*. [The Conflict of Laws in the matters of contracts] France: Librairie du Recueil Sirey.
5. Battifol, Henri. 2002. *Aspects philosophiques du droit international privé*. [Philosophical Aspects of Private International Law] France: Dalloz, 2002.
6. Casanovas, Oriol. 1976. "La autonomía de la voluntad de Derecho Internacional Privado" [The Autonomy of the Will in Private International Law], in *Anuario de derecho civil*, no. 29.4, 1003-1020.
7. Copeland, B.J. 2025. "Artificial intelligence" entry at Encyclopaedia Britannica, available at: <https://www.britannica.com/technology/artificial-intelligence> (accessed 3 March 2025).
8. Council Regulation (EC) No. 44/2001 of 22 December 2000 on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters (Brussels I), 2001 O.J. (L 12) 1.
9. De Oliveira Mazzuoli, V. and Boger Prado, G. 2019. "L'autonomie de la volonté dans les contrats commerciaux internationaux au Brésil" [The Autonomy of the Will in international commercial contracts in Brasil], in *Revue critique de droit international privé*, núm. 2(2), 427-456 <https://doi.org/10.3917/rcdip.192.0427>.
10. Executive Order 13960 of 3 December 2020 Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government, Federal Register Vol. 85, No. 236 Tuesday, 8 December 2020, available at Federal Register: Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government, (accessed 3 March 2025).
11. Fernández Rozas, José Carlos and Sánchez Lorenzo, Sixto. 2020. *Derecho Internacional Privado*. [Private International Law], España: Aranzadi.
12. Gardeñes Santiago, Miquel. 2003. "Reflexiones sobre los orígenes históricos del derecho internacional privado" [Reflections on the historical origins of Private International Law], in *Anuario Español de Derecho Internacional Privado*, Vol. III, 107-138.
13. Garriga Suau, Georgina. 2023. "Obligacions Extracontractuals" [Extracontractual Obligations] in: Font, Albert, Josep Maria Fontanellas, Miquel Gardeñes, and Georgina Garriga (eds.), *Lliçons de Dret Internacional Privat* [Lessons of Private International Law] (Barcelona: Atelier Llibres Jurídics), 439-472

14. Habermas, Jürgen. 1987. "Wie Ist Legitimität Durch Legalität Möglich?" [How Is Legitimacy Possible Through Legality?] *Kritische Justiz*, vol. 20. 1, 1–16.
15. Halpérin, Jean-Louis. 2014. "L'autonomie Privée En France" [Private autonomy in France] in *Quaderni Fiorentini per la storia del pensiero giuridico moderno*, vol. 43.1, 461–480.
16. Iyengar, Rishi. 2023. "The Global Race to Regulate A.I.", *Foreign Affairs*, available at: <https://foreignpolicy.com/2023/05/05/eu-ai-act-us-china-regulation-artificial-intelligence-chatgpt/> (accessed on 3 March 2025).
17. Jayme, Eric. 1991. "The Autonomy of the Parties in International Contracts Between Private Persons or Entities" in (Seventh Commission, Institut De Droit International Session of Basel – 1991), available at: <http://www.idi-iil.org/en/publications/ii-lautonomie-de-la-volonte-des-parties-dans-les-contrats-internationaux-entre-personnes-privées/> (accessed 24 February 2025).
18. Juenger, Friedrich. 2021. *Choice of law and multistate justice*. Leiden: Brill.
19. Kant, Immanuel. 1904. *Grundlegung zur Metaphysik der Sitten*, [Groundwork of the Metaphysics of Morals] Theodor Fritzsche ed., Philipp Ditzingen: Reclam.
20. Kant, Immanuel. 1989. *Kritik der praktischen Vernunft*. [Critique of Practical Reason] Ditzingen: Reclam.
21. Kirchheimer, Otto. 1987. *Social Democracy and the Rule of Law*, Berg Publishers.
22. Kohler, Christian. 2013. *L'autonomie de la volonté en droit international privé: un principe universel entre libéralisme et étatisme*. [The Autonomy of Will in Private International Law: A Universal Principle Between Liberalism and Statism]. Leiden: Brill.
23. May, Keller. 2024: "What is Artificial Intelligence" available at <https://www.nasa.gov/what-is-artificial-intelligence/> (accessed on 3 March 2025).
24. Niboyet, Jean Paulin. 1927. *La théorie de l'autonomie de la volonté*. [The Theory of the Autonomy of the Will] The Netherlands: Martinus Nijhoff.
25. Pereznieta Castro, Leonel. 2016. "La autonomía de la voluntad en el Derecho Internacional Privado." [The Autonomy of the Will in Private International Law] *BJV, Instituto de Investigaciones Jurídicas-UNAM*, 125–139.
26. Proposal for a Regulation of the European Parliament and of the Council Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act) and Amending Certain Union Legislative Acts, COM (2021) 206 final (21 April 2021)
27. Quarles van Ufford, Hermann. 2025. "Regulate or stagnate: Why the EU must lead on A.I." European Council for Foreign Relations, available at <http://https://ecfr.eu/article/regulate-or-stagnate-why-the-eu-must-lead-on-ai/> (accessed on 2 February 2025).
28. Ranouil, Véronique. 1980. *L'autonomie de la volonté: naissance et évolution d'un concept*. [The Autonomy of the Will: birth and evolution of a concept] France: FeniXX.
29. Reath, Andrews. 2006. *Agency and Autonomy in Kant's Moral Theory: Selected Essays*. Oxford: Oxford University Press.
30. Regulation (EC) No. 864/2007 of the European Parliament and of the Council of 11 July 2007 on the Law Applicable to Non-Contractual Obligations (Rome II), 2007 O.J. (L 199) 40.
31. Regulation (EC) No. 593/2008 of the European Parliament and of the Council of 17 June 2008 on the Law Applicable to Contractual Obligations (Rome I), 2008 O.J. (L 177) 6.

32. Regulation (EU) No. 1215/2012 of the European Parliament and of the Council of 12 December 2012 on Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters (Brussels I Recast), 2012 O.J. (L 351) 1.
33. Oyarzábal, Mario J. A. 2022. *The Influence of Public International Law upon Private International Law in History and Theory and in the Formation and Application of the Law*, Nijhoff: Brill.
34. Savigny Friedrich Carl. 1849. *System des heutigen römischen Rechts*. [System of the Modern Roman Law] *Der Band VIII*, Berlin: Veit & Comp.
35. Schmitt, Carl. 2004. *Legality and Legitimacy*. Duke University Press.
36. Siehr, Kurt. 2001. "Kant and Private International Law." *European Business Organization Law Review* 2, no. 3–4: 767–75.
37. Suquet Capdevila, Josep. 2023. "Obligacions Contractuals" [Contractual Obligations] in: Font, Albert, Josep Maria Fontanellas, Miquel Gardeñes, and Georgina Garriga (eds.), *Lliçons de Dret Internacional Privat* [Lessons of Private International Law] (Barcelona: Atelier Llibres Jurídics), 403-438.
38. Symeonides, Symeon. 2010. Party Autonomy in Rome I and II from a Comparative Perspective. *Convergence and Divergence in Private International Law - Liber Amicorum*, pp. 513-550.
39. Symeonides, Symeon C. 2021. *Private International Law*, Nijhoff. Brill.
40. Vinaixa Miquel, Mònica. 2023. "Competència Judicial Internacional" [International Judicial Jurisdiction] in: Font, Albert, Josep Maria Fontanellas, Miquel Gardeñes, and Georgina Garriga (eds.), *Lliçons de Dret Internacional Privat* [Lessons of Private International Law] (Barcelona: Atelier Llibres Jurídics), 63-98.



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Artificial Intelligence and Politics: Legal Dilemmas and Risks to Democracy

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Abstract

The rapid progress of AI has raised questions about its political, ethical, and legal impact, particularly regarding institutional transparency and citizens' privacy. This study examined the implications of AI in European politics, evaluating whether it enhances democracy or fosters algorithmic manipulations that contravene ethical and legal norms. Adopting a deductive approach, it examined narratives, scenarios, and expectations regarding the use of AI in decision-making and governance mechanisms. The aim was to offer a critical perspective on the dynamics at play, highlighting the risks, opportunities, and legal protections available. The study contributed to the academic debate on the ethical and regulatory implications of AI in governance, providing insights for future regulation and public policy.

Keywords

Artificial Intelligence; Political Decision-Making; Privacy and Data Protection; Ethical and Legal Implications; Democratic Integrity; EU

INTRODUCTION

Inanimate technologies endowed with intellectual faculties, such as artificial intelligence (AI), have demonstrated marked pervasiveness across various social, political, and economic sectors (Brynjolfsson 2019). Thanks to relentless progress and the proliferation of interconnected devices, AI has gained momentum in gradually reshaping the socio-technical system (Ooi et al. 2023). The interplay and convergence of devices equipped with artificial intelligence have the potential to disrupt the prevailing political paradigm, opening the door to broader and more pervasive forms of communication and participation that go beyond the mere expression of votes during sporadic elections. Indeed, while there is significant enthusiasm regarding the importance of citizen engagement and collective participation in democratic processes (Archibugi and Cellini 2017), little is known about how intelligent systems can reinforce the civic fabric. This transformative process is closely tied to the evolution of tools available for communication processes, a focus that has increasingly emphasized technological dynamics over the past decades.

Gruetzemacher and Whittlestone (2022) define artificial intelligence as a wide range of methods, algorithms, and technologies that enable software to exhibit cognitive abilities that, when observed externally, may appear similar to those of humans. While not “intelligent” in the human sense, these technologies are designed to perform complex tasks, allowing their behavior to be interpreted as a form of artificial intelligence.

Babaniyazovich (2023) defines AI as systems capable of performing activities that, if carried out by humans, would require advanced intellectual capabilities. While these definitions are relevant, they reflect a partial conception of AI, focusing on a strictly functional or performance-based perspective.

There is an emerging need for a more comprehensive and holistic approach that extends beyond the ability to perform specific tasks to encompass broader considerations of the ethical, social, political, and legal contexts in which AI operates. In this framework, artificial intelligence is no longer viewed merely as a simple imitation of human cognitive functions but as a phenomenon that interacts with various dynamics, influencing critical decisions across multiple domains. Considering these developments, it is urgent to provide a theoretical framework that embraces AI's technical capacity to replicate human behaviors and interactions with society and its regulation. This leads to an integration between theory and law.

In this context, there is no doubt that the implications for the "person-as-voter" are numerous and that a regulatory framework is needed to rebalance the relationship between information, including sensitive data — such as political preferences and orientations — and the right to privacy and the correct and responsible use of collected data, which is sometimes illicitly obtained for purely electoral and propagandistic purposes. Consider, for instance, the Cambridge Analytica scandal and the vulnerability of the electorate and its self-determination. The relentless progress we are witnessing, along with the deep learning capabilities of AI systems, raises enormous legal questions, starting with the need to guarantee development within a regulatory framework that offers adequate levels of protection and security (Fazio 2023). These issues necessitate a deeper reflection on AI's capacity to shape and influence the political sphere, as well as the development of effective strategies to ensure an informed and transparent debate in the AI era (Bareis and Katzenbach 2022).

Meanwhile, the purpose of this study lies in analyzing the potential offered by artificial intelligence (AI) within the contemporary political framework, particularly regarding the dynamics related to democratization processes and public opinion building on the one hand and the legal risks concerning privacy and data protection on the other, especially regarding the European legal system. In line with the discussion, there is an urgent need for a comprehensive and balanced reflection on the complex challenges and the ethical, political, and legal implications of integrating artificial intelligence into governance and decision-making processes.

The rapid evolution of AI-based technologies requires a thorough assessment that considers not only the opportunities for improvement and innovation in democratic systems but also the risks associated with potential abuses, manipulation, or inequalities. In this context, a balanced reflection must explore all the dimensions involved, from protecting citizens' fundamental rights to ensuring transparency, accountability, and fairness in the political decisions influenced by AI. The legal and regulatory framework must be continuously updated to address emerging challenges, taking into account the heterogeneity of the actors involved and the diverse applications of AI across various political fields. Legislative approaches must focus on preventing abuses, such as manipulating public opinion with algorithms and promoting inclusivity and civic participation through the positive use of technologies.

Only with adequate regulation, focusing on human rights protection and equity, can AI improve the democratic process and the quality of public policies. Furthermore, promoting an ongoing public dialogue involving experts, policymakers, and citizens is essential to ensure that

the solutions adopted are understandable, fair, and oriented toward the common good. The future challenge, therefore, is to build responsible AI governance that is both innovative and respectful of democratic principles, promoting a synthesis between technological progress and the safeguarding of fundamental societal values.

This study employs a deductive and qualitative approach to investigate the contribution of artificial intelligence to European politics, specifically its ethical, legal, and democratic implications. This methodology combines the critical analysis of academic literature with the examination of the primary normative and policy documents presented by European and international institutions. Above all, from a theoretical perspective, it draws on the contributions of scholars who have addressed the impact of AI on governance and democracy. Moreover, the approach followed allows the expectations and concerns related to the use of AI in public institutions to be highlighted. Again, the approach highlighted the potential benefits of AI for public governance, such as efficiency in decision-making processes and the personalization of policies, as well as the risks of manipulation, discrimination, and a lack of transparency. The work aims to contribute to the academic debate and provide useful insights for developing future regulations that strike a balance between technological innovation and the protection of fundamental rights.

THEORETICAL BACKGROUND

The evolution of communication technologies has necessitated adjustments in approaches and strategies for message dissemination. This transformation has been amplified by significant social changes, such as the rise in social polarization (Kubin and von Sikorski 2021) and epoch-making phenomena like the COVID-19 pandemic. The pandemic catalyzed rapid digitalization, profoundly altering the habits and daily behaviors of urban populations (Amankwah-Amoah et al. 2021). The need to adapt communication methods reflects a context where emerging technologies and social transformations interact in complex ways, influencing both the form and content of public communication. These changes represent both a challenge and an opportunity to adopt more sophisticated and targeted approaches that can address the new dynamics of participation and interaction in the contemporary digital and social landscape. In this regard, the relationship between artificial intelligence (AI) and politics holds significant importance within and beyond the scientific community. Its manifestation in political events opens a broad spectrum of possibilities, as this technology can significantly influence various levels of communication and participation.

The ability to analyze complex data, process information in real time, and adapt to individual preferences highlights the highly innovative nature of AI in shaping current political dynamics. Unsurprisingly, research has increasingly focused on studying the influence of artificial intelligence, robotics, and automation on the political fabric. These technologies can redefine how users receive, disseminate, and share information, as well as participate in discussions on social media platforms (Battista and Uva 2023). This phenomenon is often referred to as “the era of algorithmic news” (Diakopoulos 2019), corresponding to the emergence of a new range of artificial intelligence. This concept refers to the shift in which news and information, in general, are curated and disseminated primarily by algorithms rather than by human beings. In this era, digital platforms such as social media and search engines utilize algorithms to select, sort, and

personalize the content users see based on individual preferences, past behavior, and other personal information. This mechanism can profoundly affect public perception, creating filtering bubbles (Bruns 2019) in which people are primarily exposed to news that confirms their pre-existing opinions, thereby potentially limiting the diversity of information and influencing public debate. The development of such systems goes beyond mere automation and represents a fascinating prospect. This shift in focus has sparked growing interest in the numerous issues arising from the fusion of technology and democratic decision-making processes (Battista 2024a).

Delegate to the Machine

Although some considerations may appear as mere rhetorical exercises, it is worth noting that technologies related to artificial intelligence, while providing vast opportunities to enhance knowledge and social relationships, simultaneously pose the risk of introducing distortions, manipulations, and disinformation (Gallo et al. 2022). For this reason, the issue cannot be addressed solely from a theoretical perspective (Alfonso et al. 2019).

As Wardle and Derakhshan (2017) wisely illustrate, the importance of addressing this issue lies in adopting a global and interdisciplinary perspective beyond analysis limited to specific contexts or sectors. The suggested approach aims to understand the technological dynamics intrinsic to AI and its transversal impacts on society, institutions, and democratic processes. This visceral conflict once again underscores the close connection with adopting such technologies, highlighting the importance of adopting a critical and reflective approach to mitigate potential negative effects and promote conscious and ethical use (Kertysova 2018).

However, it is undeniable that AI is emerging as a highly relevant reality due to rapid technological progress and growing public acceptance. Supporting this thesis are governmental strategies and communications that adopt this narrative, portraying artificial intelligence (AI) as an inevitable and profoundly transformative technological advancement characterized by high economic prospects (Zeng et al. 2022). This positioning reflects the perception of AI as a catalyst for significant transformations, even in economic models, highlighting imminent opportunities and profound implications across a myriad of areas. In this quadrant of rapid innovation, we cannot overlook the inevitable impact on the political arena, where AI could significantly influence decision-making processes, legislative outcomes, and global interactions.

The aspiration to delegate political responsibilities to AI-based systems reflects the vision of technology as an efficient and rational tool capable of guiding decisions and policies impartially. This trend raises important questions about trust in automation within the context of political leadership and reflections on the balance between human and mechanical competencies in shaping the future of government institutions.

Considering new models of political engagement, there are concrete examples where replacing traditional decision-making elements associated with political representatives is emerging as an intriguing and debated prospect. The idea that human individuals could embody the will of a non-human entity requires profound reflection on the nature and limits of representative democracy. This approach, which envisions humans as intermediaries or spokespersons for a non-human entity, opens up intricate scenarios that require critical analysis

of the dynamics of representation, democratic consensus, and fairness in decision-making processes.

According to the European Tech Insights 2019 study, which involved over 2,500 adults aged 18 to 99 in eight European countries (France, Germany, Ireland, Italy, Spain, the Netherlands, and the United Kingdom), one in four European citizens would prefer artificial intelligence to make important decisions about their country's governance. In the Netherlands, Germany, and the United Kingdom, the percentage is even higher, with one in three admitting to preferring a machine to determine the country's direction rather than a human being. The unprecedented willingness of individuals to be replaced by AI suggests a strengthening bond between artificial entities and human actors operating within the political fabric (Battista and Camargo Molano 2023). This challenge confronts established paradigms and opens new frontiers for study and reflection on technology and the relationships between society and technology. In the electoral market, marked by increasingly volatile controversies and widespread disillusionment with idealistic principles, there is an urgent need to capture public consensus. In this climate, where politics is perceived as perpetually distant and timely and immediate answers to questions are sought, the opportunity to intensify interactions and dialogues with the base proves valuable. To the extent that political communication promoted by non-political actors plays a surprising role in reconnecting with the traditional political sphere (Battista 2024b).

The synergy between artificial intelligence and democratic participation facilitates greater citizen engagement (Rask and Shin 2024). It contributes to a deeper and more informed understanding of political issues, outlining a perspective in which technology positively amplifies the democratic experience. This awareness underscores the crucial importance of active citizen participation in governance, as it is widely recognized that dialogue between rulers and the governed substantially promotes high-quality standards within a democratic system (Munck 2016). This consideration reflects widespread consensus on the central role that citizen participation plays in maintaining the vitality and validity of democratic institutions. Understanding this logic points the way to encourage and support civic aggregation practices, aiming to preserve and strengthen the foundations of democracy in modern societies. This theoretical imperative suggests reconsidering and reformulating the traditional paradigm of political participation without neglecting its legal implications. Ultimately, the progressive and experimental perspective of some projects, like those cited, suggests an awareness of the challenges associated with integrating AI into politics in all its forms. What is indisputable is that the path toward harmonious coexistence between artificial intelligence and political decision-making will require open dialogue, robust regulation, and ongoing ethical oversight to ensure these innovations make a positive contribution to democratic norms and political life.

As in the case of Taiwan, which has adopted various AI-based solutions to promote more direct and inclusive political participation — for example, the “vTaiwan” platform, which allows citizens to engage in online political discussions and directly influence public policies — AI helps collect and analyze citizens' opinions to make decision-making more democratic and participatory. In this case, the use of AI seems to enhance the quality of democracy by increasing transparency and accountability in public policies.

However, challenges remain in data management, privacy protection, and ensuring that online participation does not favor certain groups at the expense of others. In summary, this

example illustrates how AI can be leveraged to enhance democracy and improve political processes while also raising ethical and legal concerns related to privacy, manipulation, and transparency. As we will see, the key to ensuring the positive use of AI in politics is adequate regulation that balances the benefits of technology with the protection of citizens' fundamental rights.

METHODOLOGY

This study adopts a qualitative and deductive approach to critically analyze the impact of artificial intelligence (AI) on European governance processes, with a focus on its ethical, political, and legal aspects. The decision to adopt a deductive approach is based on the desire to start from a pre-existing theoretical and normative framework — in particular, democratic principles, fundamental rights enshrined in the Charter of Fundamental Rights of the European Union and emerging directives such as the Artificial Intelligence Regulation (AI Act) — to assess how current and future applications of AI fit into these standards (Bryman 2016).

Qualitative inquiry enables in-depth exploration of complex, multilevel phenomena, such as the impact of algorithms on institutional transparency, citizen privacy, decision-making accountability, and democratic legitimacy. It is particularly suited to address emerging and not yet fully normative issues, such as those related to the use of AI in the political sphere, where the literature and jurisprudence are constantly evolving (Flick 2018). The methodology is structured into three main phases, beginning with a documentary and regulatory analysis that critically examines secondary sources. These include legislative documents and European policy papers (such as the AI Act, the General Data Protection Regulation - GDPR, and the proposal for the Digital Services Act), reports from international institutions (OECD, Council of Europe, European Parliament), and ethical guidelines (such as those developed by the European Commission's independent expert group on AI ethics). This phase outlines the current regulatory framework and the primary legal concerns associated with utilizing AI in public governance.

In the second phase, a thematic analysis (Braun and Clarke 2006) is conducted to explore the representations and narratives related to AI in the European public sphere. This analysis is based on political speeches, strategic documents, press articles, parliamentary debates, and materials produced by think tanks and NGOs active in digital rights. The goal is to identify recurring themes, discursive tensions, and expectations related to the use of AI, highlighting both perceived risks and potential benefits.

Finally, the third phase critically compares the findings and the theoretical literature on technology ethics, democratic theory, algorithmic governance, and the digitalization of public institutions (Mittelstadt 2019). Through this comparison, the study aims to identify key ethical and legal dilemmas and propose guidelines for the responsible and democratically sustainable use of AI in public policy. This integrated methodological approach provides a comprehensive understanding of the phenomenon under investigation. It makes a critical contribution to the academic and institutional debate on the relationship between AI, democracy, and the law. Furthermore, it provides an empirical and conceptual foundation for developing policy and regulatory recommendations to safeguard fundamental rights and promote transparent, inclusive, and technologically aware governance.

BETWEEN INNOVATION AND UNCERTAINTY

It is well established that artificial intelligence (AI) has opened new horizons and adopted strategies that transcend conventional communication tools. AI enables politicians to identify “target voters more accurately” (Crilley 2018) through predictive data analysis and information processing from various sources. This leads to personalizing political messages tailored to voters’ needs and preferences, thus enhancing campaign effectiveness. In formulating public policies, AI also provides policymakers with analytical and simulation tools that enable them to estimate the potential impact of such interventions in advance with greater accuracy. In this sense, managing large amounts of data and predicting the consequences of political decisions can represent an undeniable added value for governance. The presence of chatbots and virtual assistants on politicians’ websites, as well as the use of social platforms for political engagement, testifies to how AI can facilitate direct correspondence between representatives and citizens.

However, this still raises ethical concerns about the clarity and accessibility of information. In summary, AI offers a range of new functionalities in the dynamics related to political and electoral processes, the drafting of public policies, and the interaction between various actors, but it requires a rigorous review to fully grasp the implications and pitfalls it poses in the contemporary political and institutional world. Indeed, the penetration of artificial intelligence (AI) is marking a new phase of political restructuring, surpassing the transformations previously introduced by the Internet. The effects on the dynamics of the political world raise numerous uncertainties regarding democratic systems. While the potential of artificial intelligence (AI) to enhance human progress is indisputable, its impact on the political landscape is characterized by significant ambivalence.

On the one hand, we benefit from AI-based communication applications that facilitate public debate, foster connections between individuals, and enhance the flow of information. However, there are legitimate concerns about using technologies that could undermine the roots of the political system and democracy. These concerns go beyond mere interference in elections and strike at the core of democratic politics, as well as interpersonal relations between citizens, citizens and representatives, and citizens and public institutions tasked with serving and protecting the common good. At this historical moment, it is worth focusing on a particular concern that warrants special vigilance: the alleged manipulation that jeopardizes the stability of our society and the functioning of the political system (Westerlund 2019). The widespread use of artificial intelligence (AI) in conjunction with malicious and beneficial intents highlights the bifurcation of applications for this advanced technology. Its widespread dissemination in the contemporary landscape underscores the immovability of evaluating and understanding the context in which it is employed. Being intrinsically neutral, AI can be directed towards altruistic or malicious ends, depending on the agent’s intentions. The perception of the results produced within society is subject to significant variations as it reflects the perspectives, values, and sensitivities of the various social actors involved. This suggests the importance of an in-depth dialogue and a critical consideration of the ethical implications inherent in its deployment. The variety of insights could be influenced by the public’s understanding of AI’s goals, trust in its implementation, and awareness of its potential consequences.

Due to this fundamental complexity, this labyrinthine aspect requires a multilateral and collaborative approach to develop regulatory frameworks and governance mechanisms capable

of mitigating negative impacts and maximizing the benefits of integrating AI into society. It is, therefore, worth clarifying the dimensions of the phenomenon, the motivations behind these transformations, the tools employed, and the beneficiaries. The need to analyze the driving forces and tools used in the current sociopolitical transformations emerges from stagnant understanding, placing the acquisition of a comprehensive view of these tensions as an absolute priority. All these innovations have facilitated the flow of communication, promoted data sharing, and provided unique tools for creating interconnected networks. In particular, the proliferation of artificial intelligence-based technologies has led to an exponential increase in the accessibility of various types of information, enabling algorithms to process large amounts of data with extraordinary speed and efficiency.

This technological development has triggered a dramatic shift in how individuals and societies interact with information, outlining a landscape where the facilitation of communication and advanced data processing form the foundation of the contemporary digital age. Despite this, we have not fully embraced a “spiritual return to algorithmic neutrality” (Morozov 2011) but rather focus on avoiding excessive blind trust in the neutrality of algorithms. After all, the issue lies in carefully examining the tangled exchanges between technology, society, and human values. With the proliferation of real-time data acquisition and analysis technologies, as well as the growing dominance of social media and digital platforms, our lives have become informational substrates for algorithmic processes intended for various purposes (Amoore and Piotukh 2016), sometimes resulting in manipulation. From this perspective, it is worth noting that using artificial intelligence to identify and interpret data collected by current technologies could lead to a hypothetical form of information manipulation and perception distortion. Implementing advanced algorithms could subtly influence the content of the information flow, conditioning individuals’ actions. In such a scenario, caution is crucial in the interaction between technology and society to avoid potential violations and ensure that technological innovation respects fundamental human values, including autonomy, privacy, and information accuracy. Recognizing this danger underscores the urgency of developing a strategy and regulations that govern the use of artificial intelligence to reduce the fear of possible manipulations and safeguard the integrity of information in the digital age (Battista and Uva 2024).

Artificial intelligence (AI) has caused an unprecedented revolution across multiple sectors, including healthcare, finance, education, and politics. However, its most significant impact may lie in the realm of political and social dynamics. Integrating AI into political practices has transformed the way politicians and citizens interact, promising to make politics more efficient, personalized, and accessible. Its predictive capabilities, big data processing, and real-time analysis enable the profiling of voters and targeting of political messages tailored to them. However, at the same time, crucial questions arise: can we truly discern whether the use of AI aligns with transparency and democratic principles or if it represents a tool for manipulating electoral behaviors and public opinion?

This raises questions not only of an ethical nature but also of a legal and political order due to the potential risks to individual liberty and citizens’ autonomy. Concerns about the impact of AI on citizens’ privacy and the integrity of information in a political context are far from unfounded.

The use of algorithms to collect, analyze, and interpret personal data, from browsing history to the collection of political preferences, jeopardizes not only the confidentiality of information but also the ability of individuals to exercise independent critical thinking. In a media environment where information is increasingly shaped by algorithms driven by engagement and polarization logic, AI could contribute to a distortion of reality, where what we see and hear is nothing more than the result of an algorithmic selection that is increasingly sophisticated and targeted, capable of influencing political choices and public opinion. The risk of information manipulation through AI is amplified by systems that constantly monitor our online interactions, leveraging data to create personalized messages aimed at political or economic goals. With the rise of machine learning technologies, intelligent systems are becoming more adept at recognizing behavioral patterns and influencing political decisions without users being fully aware of the conditioning mechanisms at play.

The ability of AI to determine the type of content presented to us through social platforms is one of the most powerful tools available for altering public discourse and inducing polarized opinions. Nevertheless, these algorithms are often opaque and not subject to public scrutiny, which hinders their ethical use and adherence to democratic principles. The problem becomes even more complex when we consider that AI is not merely a neutral technology; it reflects the choices of its developers, who, often without malicious intent, introduce biases into algorithmic systems that can undermine the impartiality of political decisions. When the data collected from citizens is manipulated wrongly or maliciously, trust in politics and institutions can be severely compromised. The consequences of this process are evident in growing inequalities and increasing distrust in politics, fuelled by misinformation campaigns and polarized messages.

Furthermore, the digitization and informatization of politics are not limited to the interaction between citizens and politicians. AI is also transforming how governance is carried out, including the formulation and evaluation of public policies. Algorithms can now predict the effectiveness of a policy before it is implemented, running simulations and analyzing future scenarios. This potential for prediction and "optimization" of policies makes political responses to social challenges more dynamic and rapid. However, it also raises the risk that policymakers might rely too much on technology and lose touch with social reality and the needs of citizens. The centrality of data in policy definition could reduce the ability of politics to address the complexities and nuances of real-world situations, reducing the decision-making process to mere technocratic choices. Considering these issues, developing a clear and rigorous regulatory framework that establishes limits and guidelines for the use of AI in politics is necessary. It is crucial that AI not be used as a tool for manipulation or distortion of the truth but to improve the quality of democracy, ensure equitable access to information, and preserve citizens' freedom of choice and opinion. Only through appropriate regulation and careful oversight can we prevent technological innovation from harming democracy, protecting individual and collective rights in a world increasingly influenced by artificial intelligence.

THE RELATIONSHIP BETWEEN AI AND LAW: “THE NEW OIL” AND THE CHALLENGES FOR LEGAL PRACTITIONERS

The democratic sphere and the social system can hold together only if society can steer the legal approach to AI, particularly in addressing risks and adopting a multidisciplinary method on the one hand, and if a shared set of global values emerges, capable of translating into rules with worldwide efficacy. This is crucial because the phenomenon under analysis transcends historical boundaries, both geographically and in terms of sovereignty and its exercise over a territory. The European Union (EU), despite its inherent institutional organizational limitations, represents a bastion in regulating this phenomenon, which will be examined further below. However, the effort must be primarily political and ethical and only subsequently legal. An artificial intelligence system will encounter a legal rule only if its application generates risks that violate the integrity and dignity of the person. It has been authoritatively observed that, although artificial intelligence is not a person, it can infringe on individuals and their rights. Thus, the relationship between law and robotics must be framed within the broad framework outlined in Article 2 of the Italian Constitution and the formulation of new rights, particularly concerning the right to privacy (Fazio 2023). This connection is indispensable because AI relies on vast amounts of data, known as Big Data (Sartor 2022). This enormous amount of data is predominantly collected automatically by devices that extract information from both the physical and digital worlds. What makes such a volume of data “big” is not merely its quantity but also its potential functionality — that is, the ability to use it for “analytics” purposes, to discover correlations, and to make predictions. A set of features collectively characterizes Big Data, commonly referred to as the 5 Vs: volume, variety, velocity, value, and variability (Carrozza et al. 2019). Data is effectively the “new oil” (The Economist 2017), the “new currency” of the economy (Eggers et al. 2013), forming the foundational resource of the new digital marketplace. The phenomenon of the “datafication of societies” (Mobilio 2020), where every person is interconnected and online due to the incessant daily use of devices belonging to the so-called Internet of Things, has produced a notable blurring between the public and private spheres. Every interaction is tracked, and the combination of data, even if anonymous, enables identification of the actual subject using the latest Big Data analytics techniques.

On the other hand, the pervasiveness of such intelligent systems and their devastating impact on individuals’ most intimate and personal aspects requires legal professionals and political and institutional decision-makers to reflect on creating a necessary balance that ensures both the circulation of data and the protection of privacy. Recently, it has been authoritatively argued that considering the totalizing perspective of machine supremacy over humans, there is an urgent need for existential rights linked to the persistence of individuals (Perlingieri 2020). AI now impacts daily life across various domains and dimensions: personal, commercial, political-electoral, sexual, and social. Inevitably, it also affects the legal realm. It is no coincidence that the protection of these aspects constitutes a fundamental right under Article 12 of the Universal Declaration of Human Rights and Article 8 of the European Convention on Human Rights.

These articles respectively prescribe that every individual has the right to protection by law against arbitrary interference in their private life, family, home, and correspondence and that every person has the right to respect for their private and family life, home, and correspondence.

However, in the context of Big Data, what is particularly significant is behavioral information concerning preferences, interests, and personality traits. Through algorithmic profiling techniques (Citron and Pasquale 2014), these define individual behavioral profiles, allowing market operators, among others, to tailor and customize every proposal based on the specific characteristics of each user. Indeed, human activity on electronic devices such as smartphones and computers, web browsing, or social media interactions leaves traces and data that enable third parties, on the one hand, to invade the personal sphere and, on the other, to violate it by crafting targeted messages aimed at manipulating individuals' behavior for commercial or political-electoral purposes (Fazio 2023). This primarily occurs through machine learning technologies (Johnson et al. 2019), which are capable of automatically learning, analyzing, and deducing new personal information, modifying algorithms, and improving performance based on the data introduced (Ubertazzi 2023). In this context, it has been aptly noted that extracting and deleting specific data, which has already become part of an algorithm created automatically based on their input into the system, becomes impossible (Karaboue 2023). This violates rules concerning the processing, protection, and circulation of personal data, as enshrined in the European Union's Regulation 2016/679. Personal data, which forms the resource of the new digital economy associated with AI systems, risks losing its nature as a fundamental right. In this sense, legal professionals, particularly European lawmakers, as we will see later, attempt to balance two fundamentally divergent and opposing needs: the development of the AI-driven digital market and the protection of individuals' privacy (Finocchiaro 2019). This is an arduous and epochal task for which the law remains ill-prepared despite tentative regulatory efforts within the European continent.

The GDPR itself stems from the need to establish a balance between the circulation of data and the protection of individuals' privacy. Given its regulatory function, it recognizes that such circulation is indispensable in today's economy and that legal science cannot and must not shy away from this reality. This necessity is also evident in the European Regulation on Artificial Intelligence — Regulation EU 2024/1689 — which acknowledges protecting personal data as a fundamental right while encouraging data circulation to fuel the digital market. This is intended to prevent European companies from losing competitiveness to those operating in non-European markets (Bravo 2021). This reveals a stark contrast between what should be exclusive — a fundamental personal right — and the circulatory and monetary function imparted by European legislation. Once again, the market prevails over individuals, fundamental rights, political choices, and even the law.

However, this only occurs to the extent that regulation lacks a global dimension. Measures must be taken to prevent the collapse of the economic system and its competitiveness while reasserting the centrality of humans over dynamics of exchange and profit. These should serve humanity rather than objectify individuals. The key to achieving this lies in a global constitutional moment and strengthening the UN as a legislative body competent to produce norms on issues whose effects transcend borders and whose solutions must be global in scope. The fundamental nature of the right to privacy is diminished when confined to a regional or continental context, both due to digital market protection and because individuals are now consciously sacrificed to benefit from powerful technological tools available everywhere and for every need. Between the convenience of a world at one's fingertips and the defense of a right deemed fundamental only in treaties and academic proclamations, individuals — absent a

globally effective regulatory proposal — prefer to cede sovereignty over their privacy. Such considerations may appear redundant after examining the provisions in Article 2 of the AI Act, titled “Scope of Application.” This article extends the regulation’s application to entities and organizations offering goods and services within the single market that are established outside the Union’s territory in a third country.

However, this provision only applies to the undefined “general purposes” of the Union, as specified in paragraph 1, letter a), rendering the reference to extraterritorial applicability ambiguous and subject to various interpretations. When combined with the absence of real sanctions for violating the regulation’s provisions, the legal practitioner is left with the impression that there is very little anthropocentrism involved, limited to rhetorical invocations of fundamental rights. The reality is that what has become “fundamental” are the market and data circulation for the benefit of a few. Consequently, human rights, from being fundamental, risk becoming instrumental and blurred, particularly in a society where “the so-called meta-narratives typical of the great ideologies of the 20th century are being replaced by a culture of ‘performativity,’ in which reality, expectations, and values are built around efficiency in achieving results rather than the realization of a specific worldview” (Guzzetta 2024).

PRIVACY IN THE DIGITAL AGE: AI ACT SHORTCOMINGS AND GDPR CHALLENGES

Just as history and Christianity recognize a “before and after Christ,” the concept of privacy recognizes a “before and after the Internet.” Moreover, soon, there will be a “before and after AI.” Also, there is:

A clear distinction between personal data collected and stored in specific databases — where, at least formally, there is a responsible entity for their management — and the Internet, with its capacity to instantly and globally disseminate data related to individuals or public and private entities. The Internet enables a massive flow of data, whose control is challenging to regulate. Today, the issue is further complicated by so-called big data: the enormous accumulation of data that inundates the world with information like never before, growing uncontrollably. This quantitative change has led to a qualitative shift. The increase in scale has brought about a change in the state of affairs (Frosini 2022).

The challenge for the law is clear: high-quality, borderless regulations. The European Union has made significant strides in attempting to balance the new demands of the digital market with the protection of its citizens’ data. This began with the approval of Regulation 2016/679 (GDPR) and continued with the introduction of the Artificial Intelligence Act — the first AI regulation in the world. Article 3 of the AI Act defines the object of its regulation as:

An automated system designed to operate with varying levels of autonomy, which may demonstrate adaptability after deployment, and which, for explicit or implicit purposes, deduces from the input it receives how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments.

It is believed that the broadness and generality of this definition were intentional to mitigate the risk of the regulation becoming rapidly obsolete (Falletta and Marsano 2024).

However, the generality of the regulation's provisions produces the opposite effect, rendering it inapplicable due to the lack of genuinely prescriptive norms tied to specific behaviors, with unclear or unsatisfactory remedies for violating rights. For instance, consider both the first recital and Article 1 of the regulation, which emphasize the anthropocentric purpose of the regulation in promoting artificial intelligence while safeguarding fundamental human rights. At the same time, however, the only remedies available to individuals whose fundamental rights are violated are filing a complaint with the supervisory authority and the right to explanation under Articles 85 and 86 of the AI Act.

Another notable and legally complex issue is the relationship between the GDPR and the AI Act. The former remains an indispensable reference, given that AI systems require vast data. One major point of intersection, beyond shared principles and values, is Article 22 of Regulation 2016/679. This provision states that the data subject has the right not to be subjected to decisions based solely on automated processing, including profiling, unless such processing is necessary for executing a contract authorized by EU or Member State law or based on the subject's consent. The interaction between the two regulations creates conflicts in application due to the lack of procedural coordination mechanisms, which risks undermining the breadth of protection offered to citizens. This is particularly concerning because the principles underpinning the GDPR — such as consent, data minimization, purpose limitation, transparency, accessibility, and knowability — are not readily applicable to pervasive, opaque, and sometimes unpredictable AI technologies. For example, AI systems often rely on anonymous data, which cannot be regulated under a framework designed to govern the circulation of personal data related to identifiable individuals (Frosini 2022). Moreover, the GDPR's consent logic is incompatible with AI systems that make automated algorithm-based decisions (Finocchiaro 2021). It has been observed that the purpose of data processing and the potential uses of data may not be determinable at the time of initial consent or a priori, which can prevent individuals from giving informed consent. This is compounded by the informational asymmetry users face regarding the complexity of AI systems (Mobilio 2020). It is evident, therefore, that the GDPR is incapable of ensuring adherence to privacy protection principles concerning AI systems, which can easily circumvent the fragile limits imposed by European legislators.

Similarly, the EU legislator's decision to adopt AI-specific regulation lacking genuine anthropological depth and practical applicability fails to uphold principles and implement deterrent or reparative sanctions effectively. The GDPR's logic is consistently rooted in personal data, with decisions regarding its processing expressed by the individual subject: the data subject controls and sometimes manages their data and monitors its circulation. Other legal bases may justify the processing of personal data, but the cultural, even before legal, model on which the GDPR is based is one of self-determination.

However, this logic cannot be applied to large-scale or big data despite being mitigated by accountability. Individualized data management is not feasible, especially when based on consent. Although theoretically the best model available, consent is often inadequate in providing effective protection. This inadequacy is particularly pronounced when dealing with AI applications based on big data, where the determinability of processing processes at the outset is not guaranteed, and the purpose of processing is often unclear (Finocchiaro 2019).



Considering these challenges, there is a pressing need for renewed reform efforts to improve the coordination between the GDPR and the AI Act and to reaffirm the non-negotiability of principles and values, regardless of market pressures. Without such efforts, Europe risks losing its role in the global landscape, again favoring autocratic systems in the race to control human consciousness.

CONCLUSION

The interaction between artificial intelligence, accelerated digitalization, and social fragmentation has created a new media and informational ecosystem characterized by an unprecedented proliferation of data and the rapid circulation of information. This context presents significant challenges for the ethical and regulatory management of privacy, information accuracy, and democratic participation. The widespread adoption of predictive technologies and advanced algorithms requires a delicate balance between optimizing decision-making processes and safeguarding the fundamental rights of citizens. Effectively addressing these challenges demands a sustained commitment to fostering a culture of responsibility supported by robust global regulations and an inclusive dialogue among political actors, experts, and civil society. Only through a collaborative and thoughtful approach can we strategically guide technological evolution toward a future where artificial intelligence contributes positively to building more balanced, informed, and democratic societies. Indeed, in an increasingly hybrid and dynamic communication environment, the influence of algorithms as active agents in content production and dissemination has undoubtedly grown (García-Orosa et al. 2021).

The study of AI-mediated political communication and its consequences on emerging ethical and legal questions represents an emerging and not yet fully consolidated field of research, particularly when compared to other disciplinary areas. This phenomenon necessitates a thorough analysis of how algorithms shape political information and influence public opinion. Technological evolution has introduced new forms of participation and political interaction, but it has also raised critical issues concerning transparency, fairness, and the manipulation of information. Addressing these problems requires an interdisciplinary approach that integrates expertise from communication studies, computer science, ethics, and the social sciences to fully understand AI's socio-political and legal implications in contemporary political communication.

Finally, from a strictly legal perspective, jurists cannot relinquish the most authentic exercise of their social function. While waiting for precise and coordinated legislative measures, they must attempt to fill the gaps identified through interpretative efforts, applying principles based on the ethical and legal value of the "person." However, in carrying out this task, jurists must free themselves from the hypocrisy of classifications that no longer reflect factual reality, seeking to propose a global solution through an interdisciplinary approach that minimizes risks to individuals.

To restore privacy rights to their rightful dignity, a new world organization is needed — legitimized by states, with a directly elected parliament, and empowered to create binding global laws. Only such a body can effectively influence tech giants and ensure that data profiling respects human dignity and privacy, including political and electoral choices.

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REFERENCES

1. Alfonso, Ignacio B., Galera, Carlos G., and Calvo, Susana T. 2019. El impacto de las fake news en la investigación en Ciencias Sociales. [The impact of fake news on social science research]. *Revisión Bibliográfica Sistematizada. Historia y comunicación social*, 24(2), 449.
2. Amankwah-Amoah, Jonathan, Khan, Zubair, Wood, Gregory, and Knight, Gary. 2021. COVID-19 and digitalization: The great acceleration. *Journal of Business Research*, 136, 602-611.
3. Amooore, Louise, and Piotukh, Volha. 2015. Algorithmic life: Calculative devices in the age of big data. London: Routledge.
4. Archibugi, Daniele, and Cellini, Marco. 2017. The internal and external levers to achieve global democracy. *Global Policy*, 8, 65-77.
5. Babaniyazovich, Abdukarim. 2023. The impact of artificial intelligence on human life in the future. *International Multidisciplinary Journal for Research & Development*, 10(10).
6. Bareis, Jonathan, and Katzenbach, Christian. (2022). Talking AI into being: The narratives and imaginaries of national AI strategies and their performative politics. *Science, Technology, & Human Values*, 47(5), 855-881.
7. Battista, Daniele. 2024a. Political communication in the age of artificial intelligence: An overview of deepfakes and their implications. *Society Register*, 8(2), 7-24.
8. Battista, Daniele. 2024b. Political reconfiguration in the social space: Data analysis and future perspective. *Frontiers in Sociology*, 8, 1226509.
9. Battista, Daniele, and Camargo Molano, Jessica. 2023. How AI Bots Have Reinforced Gender Bias in Hate Speech. *Ex aequo*, (48), 53-68.
10. Battista, Daniele, and Uva, Gabriele. 2023. Exploring the Legal Regulation of Social Media in Europe: A Review of Dynamics and Challenges—Current Trends and Future Developments. *Sustainability*, 15(5), 4144.
11. Battista, Daniele and Uva, Gabriele .2024. Navigating the virtual realm of hate: Analysis of policies combating online hate speech in the Italian-European context. *Law, Technology and Humans*, 6(1), 48-58.
12. Braun, Virginia, and Clarke, Victoria. 2006. Using thematic analysis in psychology. *Qualitative research in psychology*, 3(2), 77-101.
13. Bravo, Fabio. 2021. Intermediazione di dati personali e servizi di data sharing dal GDPR al Data Governance Act. [Personal data brokering and data sharing services from GDPR to the Data Governance Act] *Contratto e Impresa Europa*, 1(1), 200-202.
14. Bryman, Alan. 2016. *Social Research Methods* (5th ed.). UK: Oxford University Press.
15. Bruns, Alex. 2019. *Are filter bubbles real?* USA: Wiley
16. Brynjolfsson, Erik, Rock, Daniel, and Syverson, Chad. 2019. Artificial Intelligence and the Modern Productivity Paradox *The Economics of Artificial Intelligence: an Agenda*, vol. 23, pp. 23-57.
17. Carrozza, Maria Chiara, Oddo, Calogero, Orvieto, Simona, di Minin, Alberto, and Montemagni, Gherardo. 2019. AI: profili tecnologici. Automazione e Autonomia: dalla definizione alle possibili applicazioni dell'Intelligenza Artificiale. [AI: technological profiles. Automation and Autonomy: from definition to possible applications of Artificial Intelligence]. *BioLaw Journal-Rivista di BioDiritto*, (3), 237-254.



18. Citron, Danielle Keats, and Pasquale, Frank. 2014. The Scored Society: Due Process for Automated Predictions. *Washington Law Review*, 89, 1 ss.
19. Crilley, Robert. 2018. International relations in the age of 'post-truth' politics. *International Affairs*, 94(2), 417-425.
20. Diakopoulos, Nicholas. 2019. Automating the news: How algorithms are rewriting the media. USA: Harvard University Press.
21. Eggers, William D., Hamill, Robert, and Ali, Ali. 2013. Data as currency. Government's role in facilitating the exchange. *Deloitte Review*, 13, pp. 19 ss.
22. Falletta, Pietro, and Marsano, Annalisa. 2024. Intelligenza artificiale e protezione dei dati personali: il rapporto tra Regolamento europeo sull'intelligenza artificiale e GDPR. [Artificial intelligence and data protection: the relationship between the European Artificial Intelligence Regulation and GDPR]. *Rivista italiana di informatica e diritto*, 1, 119-137.
23. Fazio, Eugenio. 2023. Intelligenza artificiale e diritti della persona. [Artificial intelligence and personal rights]. Napoli: EdizioniScientifiche Italiane.
24. Finocchiaro, Giusella. 2019. Intelligenza artificiale e protezione dei dati personali.[Artificial intelligence and data protection]. *Giurisprudenza Italiana*, p. 1670-1677.
25. Finocchiaro, Giusella. 2021. VIII lezione: intelligenza artificiale, privacy e data protection, in U. Ruffolo (a cura di). *XXI lezioni di diritto dell'intelligenza artificiale*. [21st Lectures on Artificial Intelligence Law]. Torino, 331 ss.
26. Flick, Uwe. 2018. *An Introduction to Qualitative Research* (6th ed.). USA: Sage Publications.
27. Frosini, Tommaso Edoardo. 2022. La privacy nell'era dell'intelligenza artificiale. [Privacy in the age of artificial intelligence], *DPCE Online*, 51(1), <https://doi.org/10.57660/dpceonline.2022.1572>, 275-276.
28. Gallo, Mariacristina, Fenza, Giuseppe, and Battista, Daniele. 2022. Information Disorder: What about global security implications? *Rivista di Digital Politics*, 2(3), 523-538.
29. García-Orosa, Beatriz, Canavilhas, João, and Vázquez-Herrero, José. 2023. Algorithms and Communication: A Systematic Literature Review. *Comunicar: Media Education Research Journal*, 31(74), 9-21.
30. Gruetzemacher, Robert, and Whittlestone, Jessica. 2022. The transformative potential of artificial intelligence. *Futures*, 135, 102884.
31. Guzzetta, Giovanni. 2024. La svolta epocale dell'intelligenza artificiale. [The epoch-making breakthrough of artificial intelligence]. *Rivista della Corte dei Conti*, 2, 1.
32. Johnson, Kevin, Pasquale, Frank, and Chapman, Justin. 2019. Artificial intelligence, machine learning, and bias in finance: toward responsible innovation. *Fordham L. Rev.*, 88, 499.
33. Karaboue, Karidia. 2023. Intelligenza artificiale nell'ambito del sistema sanitario. Implicazioni in termini di privacy alla luce del nuovo GDPR. [Artificial intelligence in healthcare. Privacy implications in the light of the new GDPR]. *Amministrativ@ mente-Rivista di ateneo dell'Università degli Studi di Roma "Foro Italico"*, (1).
34. Kertysova, Katarina. 2018. Artificial intelligence and disinformation: How AI changes the way disinformation is produced, disseminated, and can be countered. *Security and Human Rights*, 29(1-4), 55-81.

35. Kubin, Elena, and Von Sikorski, Christian. 2021. The role of (social) media in political polarization: A systematic review. *Annals of the International Communication Association*, 45(3), 188-206.
36. Mittelstadt, Brent. 2019. Principles alone cannot guarantee ethical AI. *Nature Machine Intelligence*, 1(11), 501-507.
37. Mobilio, Giuseppe. 2020. L'intelligenza artificiale e le regole giuridiche alla prova: il caso paradigmatico del GDPR. [Artificial intelligence and legal rules put to the test: the paradigmatic case of the GDPR], *FEDERALISMI. IT*, 266-298.
38. Morozov, Evgeny. 2011. Liberation technology: Whither internet control? *Journal of Democracy*, 22(2), 62-74.
39. Munck, Geraldo L. 2016. What is democracy? A reconceptualization of the quality of democracy. *Democratization*, 23(1), 1-26.
40. Ooi, Kuan-Bin, Tan, Geok Wee Hoon, Al-Emran, Mahdi, Al-Sharafi, Mohamed Ali, Capatina, Andreea, Chakraborty, Anirban, and Wong, Lok Wai. 2023. The potential of generative artificial intelligence across disciplines: Perspectives and future directions. *Journal of Computer Information Systems*, pp. 1-32.
41. Perlingieri, Pietro. 2020. Sul trattamento algoritmico dei dati. [On algorithmic data processing]. *Tecnologie e diritto*, 1, 191-192.
42. Rask, Martin, and Shin, Beomsu. 2024. Integrating Paths: Enhancing Deliberative Democracy through Collective Intelligence Insights. *Societies*, 14(12), 270.
43. Sartor, Giovanni. 2022. L'intelligenza artificiale e il diritto. [Artificial intelligence and law] Torino: Giappichelli Editore, 12.
44. Ubertazzi, Tommaso Maria. 2023. Privacy e Intelligenza Artificiale. *Comparazione e Diritto Civile*, 3, 955 ss.
45. Wardle, Claire, and Derakhshan, Hossein. 2017. Information disorder: Toward an interdisciplinary framework for research and policymaking (Vol. 27, pp. 1-107). Strasbourg: Council of Europe.
46. Zeng, Jian, Chan, Chia-Hsiu, and Schäfer, Mike S. 2022. Contested Chinese dreams of AI? Public discourse about artificial intelligence on WeChat and People's Daily Online. *Information, Communication & Society*, 25(3), 319-340.



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Constitutionalizing the Environment in 21st Century Europe: Innovations for Greener Constitutions

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Abstract

This paper analyzes and systematizes innovations in the constitutional entrenchment of environmental protection provisions, moving beyond the mere recognition of the right to a healthy environment or the affirmation of general policy declarations. Using the comparative constitutional method, it examines relevant provisions in the constitutions of France, Montenegro, Hungary, Austria, and Slovenia. The findings reveal significant diversity in the scope and manner of environmental constitutionalization, contrasting with the similarities observed among constitutions adopted in the 1990s. Identified approaches include the integration of environmental law principles, the constitutional recognition of procedural environmental rights, and the establishment of institutions dedicated to environmental protection. These constitutional innovations demonstrate significant potential for broader adoption, thereby strengthening frameworks for environmental protection and enhancing the safeguarding of human rights and liberties.

Keywords

Constitutions; Environmental Protection; Environmental Rights and Liberties; Environmental Law Principles; Environmental Constitutionalism; Green Amendments

INTRODUCTION

The constitutional protection of the environment is a relatively new phenomenon. The 1948 Constitution of Italy conferred an obligation on the state to protect natural landscapes, which was the first national constitution to bring, at least symbolically, environmental protection into the realm of constitutional matters (Boyd 2012). The process gained momentum after the Stockholm Declaration of 1972 established the interdependence between human rights and the environment (Shelton 2004, 667; "Report of the United Nations Conference on the Human Environment" 1972). The Constitutions of Portugal of 1976 and Spain of 1978 were the first constitutions to recognize a special "right to a healthy environment" at the constitutional level (Daly 2012, 72). Today, over three-quarters of all constitutions (148 out of 193) contain provisions addressing environmental rights and obligations (O'Gorman 2017).

For the most part, the entrenchment of environmental provisions in the constitutions was done by recognizing a (not always enforceable) substantive right to an environment of a certain quality (healthy, balanced, sustainable, etc.) or by public policy statements that obliged the state to protect the environment (Brandl and Bungert 1992, 8). The new constitutions of the former communist countries adopted in the early 1990s largely mimicked this approach by recognizing the substantive right to a healthy environment accompanied by a corresponding obligation to protect it by both the state and any person. This approach demonstrated two key shortcomings.



The vague language could not ensure enforceable substantive rights to a healthy environment (Weis 2018). Similarly, the policy statements that established an obligation to the state to protect the environment failed to meet their objectives. The key challenge was to ensure that environmental constitutional provisions are more than mere policy aspirations and are, in fact, binding legal instruments. In the same period, the level of environmental degradation proceeded at an unprecedented pace, requiring a new approach to protect the rights and liberties affected by it (Boyd 2019).

Several European countries took a step further during the first two decades of the 21st century to address these shortcomings. They introduced innovative constitutional amendments, which substantially differed from the previously established practice of entrenching a general right to a healthy environment and the corresponding obligation. These constitutional reforms were introduced as part of adopting a new constitution (Hungary and Montenegro) or as specific amendments (France, Slovenia, and Austria). The novelties included the constitutional recognition of procedural environmental rights, the sustainable use and management of natural resources, the entrenchment of environmental law principles in constitutions, the establishment of institutions with a mandate to protect the environment, and a greater emphasis on the interests of future generations.

This paper aims to describe and analyze the constitutional revisions in European countries that introduced environmental provisions from 2000 to the present. The author holds that constitutionalizing the environment is an evolving phenomenon, continuously broadening its scope and making it more heterogeneous in its operationalization. To test this hypothesis, the author will examine the new constitutions of Montenegro (2007) and Hungary (2011), as well as the constitutional amendments in France (2005) and Slovenia (2016) and the adoption of the constitutional act on sustainability in Austria (2011). Firstly, the paper describes and analyses the content of the adopted environmental constitutional amendments. Secondly, it identifies and describes the causes and key actors responsible for bringing these constitutional amendments. Thirdly, the paper analyses the evolving case law of national constitutional courts and other institutions conducting constitutional reviews to assess whether these amendments have a substantive legal effect and can impact legislation and guide policy-making processes.

The research's findings and conclusions will contribute to advancing domestic constitutional-legal theory about modern trends in constitutionalizing environmental protection. This is a time when the need for a comprehensive and effective response from states and the international community to the challenges arising from environmental degradation is intensifying. This research endeavor will also make an empirical contribution to the thriving movement of environmental constitutionalism, primarily because it is inherent to legal innovations to migrate both vertically and horizontally (Perju 2012). In environmental law, the relationship is a two-way street, where domestic law is "uploaded" into international law. At the same time, its institutions are "downloaded" into national constitutions and legislation (Wiener 2001). Constitutional borrowing is quite common, particularly among European countries, and studies of this type will also provide an evidence-based contribution to the public debate. Primarily, the issue of environmental protection necessitates a suitable balance between often competing rights, interests, and liberties, such as the right to property, freedom of enterprise and economic development.

LITERATURE REVIEW

The constitutionalization of the environment is defined as raising legal protection of the Environment from the legislative to the constitutional level (Gellers 2015, 75; Boyle 2008). Since the early 1990s, a significant body of theoretical and empirical literature has studied this phenomenon, which was later named “environmental constitutionalism” (May and Daly 2014; Kotzé 2015). Kotzé understands this phenomenon as a socio-legal and political project that seeks to transform how states manage environmental protection. It arises due to the failure of ordinary legislation to provide the necessary level of environmental protection (Kotzé 2015, 188-89). Ruhl refers to the stability and permanence of constitutions (as opposed to ordinary laws) as a characteristic that enables the transfer of environmental constitutional values to future generations (Ruhl 2009, 85-87).

These works are rooted in the broader, interdisciplinary field of environmentalism, encompassing works in philosophy, political science, law and economics (Stone 1972; Goldsmith and Allen 1972; Meadows, Club of Rome, and Potomac Associates 1974; Hardin 1968). The link between the Environment and the enjoyment of human liberties has been firmly established in the theory. Sen points out that environmental diversities are identified as a factor that directly affects personal liberty, and as such, they should receive serious attention in public policy (Sen 1999, 69-70). Despite its successes in other fields, the free market is deeply limited, particularly regarding issues of economic inequality and environmental protection, and state action is necessary to step in (Sen 1999, 263-67). In that sense, Rawls associates the need for law and government to institute the necessary corrections on public harm (Rawls 1971, 268).

The first classification of constitutional provisions on the environment was proposed in 1992 (Brandl and Bungert 1992). In the same year, Bosselman took a step further and advocated for a shift from a purely anthropocentric (human-centered) legal perspective to an eco-centric one (Bosselmann 1992). Following the expansion of constitutional environmental rights in the 1990s, Hayward took the stance that the right of every individual to live in an environment that is adequate for their health and well-being should be constitutionally recognized in every modern democratic state (Hayward 2005). Boyd further strengthens this argument in favor of environmental rights. In his comprehensive empirical analysis of 193 constitutions, he demonstrated that, to a certain extent, nations with constitutional protections have stronger environmental laws, enhanced enforcement, greater government accountability, and better access to justice, information, and public participation in decision-making than nations without such provisions (Boyd 2012). May and Daly’s work on conceptualizing the contours of environmental constitutionalism contributed to setting up the foundation of a coherent theory. They advocate for a rights-based approach, i.e., greater judicial recognition of environmental rights (May and Daly 2014; Daly and May 2015). Contrary to them, Weiss argues that the focus should be on constitutional directives and guidelines that the political branches of government must fulfill (Weis 2018). The right-based approach also receives criticism for its inherent anthropocentrism (Petersmann 2022).

Environmental degradation poses a significant threat to human dignity, and in response, the concept of environmental dignity rights has been developed (Daly and May 2018). This framework recognizes that environmental protection is not just about preserving nature but also about safeguarding human dignity. It also highlights the role of constitutional dignity rights in

providing a legal basis for protecting the Environment and ensuring that environmental policies respect human dignity. Besides safeguarding human dignity, environmental constitutionalism is firmly rooted in the work of Weiss and the principle of intergenerational equity and the rights of future generations. The theory of intergenerational equity states that humans, as a species, hold the Earth's natural and cultural environment in common with other members of the present generation and past and future generations. Each generation is both a trustee or custodian of the planet for future generations and a beneficiary of the stewardship of previous generations (Weiss 1990).

While environmental constitutionalism has gained recognition as a crucial component of sustainable governance, significant theoretical and contextual gaps persist. Theoretical gaps include the lack of a clear, universally accepted framework, difficulty balancing competing rights, and the absence of global integration. Contextual gaps emerge from political, economic, and social challenges in implementing environmental constitutionalism. Bridging these gaps will require innovative legal frameworks, increased global cooperation, and a deeper understanding of local realities to ensure that environmental rights are effectively protected and enforced in the face of urgent ecological challenges. This article aims to bridge this gap by providing insight into several innovative legal frameworks.

METHODS

For the research, a combination of theoretical and empirical methods was employed. First, a detailed review and analysis of the available theoretical literature related to the subject of this research was conducted. The second step was to identify the countries subject to this research. They were identified based on two criteria. The first criterion is that they underwent a procedure for amendment in their constitutions. The second criterion is that they introduced environmental provisions that substantially differ from the commonly accepted practice of recognizing substantive environmental rights accompanied by a duty to protect the Environment. After applying the criteria, the following countries were identified: France, Montenegro, Slovenia, Hungary and Austria. Thirdly, using the database with constitutional texts (constituteproject.org), the constitutional amendments subject to this research were accessed in English. Verifying translations and versions was performed by accessing the websites of legislative bodies in all five countries. The constitutional texts were analyzed by applying normative and teleological methods. Secondary sources of data were consulted to contextualize the content of the norms. The key actors and drivers of the constitutional amendment processes were identified through textual analysis of scientific papers. The relevant case law interpreting and applying the "green amendments" was identified and assessed through the institutions' websites conducting constitutional reviews in each of the five countries and through secondary data sources, including papers and reports.

RESULTS

France 2005: The Charter for the Environment - An Environmental Bill of Rights

In 2004, the French Parliament adopted the Charter for the Environment (*Charte de l'environnement*), which was incorporated into the French Constitution in 2005 (*Loi constitutionnelle No. 2005-205*). It is a unique document, a French "Green Bill of Rights," that catalogs basic environmental principles, rights and duties and entrenches them into the domain of constitutional law. Several factors impacted why France resorted to such an unconventional constitutional instrument. Before 2004, France was not particularly effective in advancing environmental policies; it failed to implement EU directives consistently, and the Environment was not a high priority on the political agenda (Bourg and Whiteside 2007, 118). However, several strong civic movements from the 90s, the role of environmental activists and the leadership of the then President Jacques Chirac have paved the way for the Charter (Marrani 2008, 12-13).

The constitutional act that introduced the Charter contains three articles. The first article incorporates the Charter into the Preamble of the French Constitution as one of the constitutive documents of French statehood, alongside the Declaration of the Rights of Man and Citizen from 1789 and the Preamble of the 1946 Constitution. The second article proclaims the text of the Charter. In contrast, the third article amends Article 34 of the French Constitution by vesting authority in the Parliament to adopt legislation for preserving the Environment following the Charter.

The Charter is structurally composed of a preamble and a normative section of 10 articles. Though without a normative function, the recitals in the Preamble to the Charter are relevant for its interpretation. The normative section comprises 10 articles. The first two articles guarantee the right of all persons to live in a healthy and balanced environment, along with the corresponding obligation of all individuals, whether private or public, to participate in its protection and improvement. In Articles 3 to 4, the Charter enshrines the four key principles of environmental law—prevention, the polluter-pays principle, precaution, and sustainable development—though with varying levels of elaboration and precision. Article 7 recognizes the procedural environmental rights (access to information and participation). Articles 8 and 9 emphasize the importance of education and research, while Article 10 states that this Charter shall inspire France's actions on European and international levels. The Charter falls within what the Constitutional Council of France calls the *Le bloc de constitutionnalité*, representing a corpus of norms of constitutional importance (Boyron 2012, 39).

By including them in the Preamble, laws that conflict with the Charter's principles related to rights and freedoms can be subject to constitutional review by the Constitutional Council (Marrani 2015, 389-90). The Charter is used as a reference to interpret international agreements related to the Environment, which France has ratified (Dadomo 2017). The provisions of the Charter are interpreted and applied by the Constitutional Council through *ex-ante* and, since 2008, *ex-post* constitutional review (Boyron 2012, 154). Since 2005, the Constitutional Council has produced a substantial body of case law clarifying the meaning of various provisions in the Charter (Sohnle 2018, 159). The first set of decisions were *ex-ante* reviews. In a landmark decision following an *ex-ante* review, the Council held that "all the rights and duties defined in

the Charter of the Environment have constitutional value.” They are binding on “public powers and administrative authorities in the field of their respective competence” (CC No. 2008-564 DC). This case concerned a review of the compliance of an enacted legislation on GMOs with the Constitution. When enacting laws, the Council explicitly stated that the legislator must adhere to the precautionary principle outlined in Article 5 of the Charter, a principle of constitutional value with direct legal effect. This decision builds upon the doctrine of the Constitutional Council that, in assessing the direct applicability of specific constitutional provisions, distinguishes between the “principles of constitutional value” and the “objectives of constitutional value” (CC No. 1982-141 DC). Principles of constitutional value are directly applicable and can be invoked by an individual before a court. In contrast, objectives of constitutional value are imposed on the legislative power but are never directly invoked before a court. With this decision, the Council granted Article 5 of the Charter the status of a principle of constitutional value that does not require legislative action (Marrani 2015, 385).

Implementation of the Charter is more restrictive under *ex-post* review. Such a procedure may be brought only if, in a specific procedure, a question arises as to whether a legislative provision infringes the “rights and freedoms” guaranteed by the Constitution. This narrows the provisions of the Charter that can be subject to *ex-post* review. The Constitutional Council has recognized that Articles 1 and 7 can be invoked for *ex-post* review (CC 2012-282 QPC). On the other hand, CC has ruled that the policy guidelines set in Articles 5 and 6 can not be invoked in an *ex-post* review since “it does not provide a right or a freedom guaranteed by the Constitution” (CC 2012-283 QPC, CC 2013-346 QPC). Lastly, the CC has found that even some of the “duties” enshrined in the Charter are, in fact, rights and freedoms, particularly concerning Article 3 (the prevention principle) (CC 2012-282 QPC).

In another landmark case concerning the importation and handling of toxic waste, the Constitutional Council addressed one of the key environmental law issues: balancing different and opposing rights and interests. The Council made a decision (CC Decision 2019-823) aimed at striking a balance between protecting the Environment and human health, on the one hand, and promoting the freedom of enterprise, which is also protected under the French Constitution, on the other. The Council considered that the reconciliation of interests between the freedom of enterprise and protecting the environment and human health was not patently imbalanced. In a 2013 decision (CC No. 2013-346 QPC), the CC upheld the statutory prohibition on drilling and hydraulic fracturing: balancing the right of entrepreneurship on one side and the protection of the Environment as a general objective in the public interest on the other side, the CC gave priority to the latter and validated the “general and absolute prohibition” of fracking provided by the statute (Sohnle 2018, 174).

Montenegro 2007: An Ecological State

The 2007 Constitution of Montenegro defines the country as an “ecological state.” This attribute is set in Article 1, which determines the form of government and the country’s fundamental characteristics (Constitution of Montenegro 2007). Though this practice of assigning constitutional attributes is not uncommon in comparative constitutionalism (e.g., democratic, republican, social, secular, etc.), Montenegro remains the only European country constitutionally declaring itself an ecological state. According to legal scholars, such a notion

aims to oblige the state itself, legal and natural persons, other institutions and entities on its territory to respect and protect natural resources and behave responsibly regarding the Environment (Vukčević 2021).

Its roots are in the 1991 Zabljak Declaration of the Parliament of the Republic of Montenegro. The pledge of the Declaration was constitutionalized in the 1992 amendments to the Constitution of the Republic of Montenegro, then a constituent part of the Federal Republic of Yugoslavia. The causes for such an avant-garde move are diverse. Aside from the genuine desire to preserve its virgin stretches of coastline, natural beauty, and mountainous hinterland, two other factors played a role. The first is the attempt to create a distinctive constitutional and national identity, given its relatively newfound independence. In contrast, the second one is related more to a comprehensive marketing strategy for tourism as the dominant source of income (Derbyshire 2016, 139-142).

The 2007 Constitution also recognizes the right to a healthy environment in both a substantive and procedural sense. In a procedural sense, the Constitution recognizes three key elements: the right to timely and complete information about the status of the Environment, the right to influence decision-making regarding environmental issues, and the right to legal protection of these rights. It also imposes a duty to everyone, particularly the state, to preserve and improve the Environment (Constitution of Montenegro, Art. 23). Protection of the Environment is also a ground for restriction of freedom of enterprise (Constitution of Montenegro, Art. 59 par. 2).

However, aside from this, the constitution does not specify nor enact specific measures or instruments to realize the “ecological state” objective. There is no reference to sustainable development as a policy principle or specific institutional safeguards. On the other hand, environmentalists consider the reality of environmental protection to be quite grim. The depletion of natural resources, the corruption that enables it, and the failure to address air and water pollution are key environmental concerns the country fails to address (Kajosevic 2021). Consequently, the “ecological state,” though inspiring and unique, remains only a parchment guarantee without an effective policy to ensure its implementation in practice.

The Constitutional Court of Montenegro’s case law, from the adoption of the constitution in 2007 until 31 December 2024, does not contain any decisions alleging a violation of the right to a healthy environment or referring to the notion of an ecological state.

Hungary 2011: An Ombudsman for Future Generations

In 2011, Hungary adopted a new constitution, replacing the 1949 constitution. According to several authors, the constitution, titled the Fundamental Law of Hungary (Magyarország Alaptörvénye 2011), is based on a firm philosophy that represents the importance of protecting the Environment, which is reflected in a high level of legal protection guaranteed by the constitutional provisions (Krajnyák 2022, 204). The constitutional regulation encompasses various approaches to environmental protection. It directly links protecting the environment as a precondition for realizing the right to physical and mental health and vests an obligation on the state to ensure environmental protection. Hungary recognizes and endorses everyone’s right to a healthy environment. The constitution also incorporates the polluter-pay principle by setting up an obligation for anyone who causes environmental damage to be obliged to restore it or

bear the costs of restoration. Additionally, the precautionary principle is in place, which prohibits the transport of pollutant waste into Hungary's territory for disposal.

However, aside from these comparatively more advanced forms of constitutional protection of the Environment, Hungary took an additional step by establishing a specialized institution with a mandate to protect, among other things, the Environment. Article 30 of the Fundamental Law of Hungary established the function of the Commissioner for Fundamental Rights (i.e., the Ombudsman). The Commissioner has two deputies, one for national minorities and another for protecting the interests of future generations. The constitutional mandate of the Deputy Commissioner for Future Generations is based on three main pillars: the human right to a healthy environment, the right to physical and mental health, and the protection of the "common heritage of the nation" encompassing the natural resources, in particular, arable land, forests and the reserves of water, biodiversity, in particular, native plant and animal species, and cultural artifacts (Krajnyák 2022, 212). The interests of future generations are understood as issues mainly related to protecting the Environment and cultural heritage.

The roots of such an institution in the Hungarian legal system date back to the 1990s when a draft act prepared by László Sólyom, the first President of the Hungarian Constitutional Court (1990-1998) and later President of the Republic (2005-2010) (Krajnyák 2023, 12-13). In 2007, the Parliamentary Commissioner for Future Generations position was established. The so-called "Green Ombudsman" operated as a separate ombudsman alongside three other independent ones. Following 2011, this institution was integrated into the Deputy Commissioner for Future Generations.

The Deputy Commissioner for Future Generations has a wide range of competencies about the enforcement of the interests of future generations, including the power to investigate maladministration complaints and environmental nuisance claims to draw the attention of the Commissioner to the danger of the infringement of the rights of a larger group of natural persons, especially of future generations; to participate in the inquiries of the Commissioner; to propose that the Commissioner institute proceedings *ex officio* and to propose that the Commissioner turn to the Constitutional Court or submit legislative proposals to the legislature suggesting new laws or the amendment of existing ones.

The Constitutional Court considered and referred to the findings, opinions and *Amicus Curiae Briefs* of the Deputy Commissioner in several key environmental decisions (Krajnyák 2023, 19). In a decision relevant to the interpretation of biodiversity protection set in the Fundamental Law, the Constitutional Court relied on the *amicus curiae*. It concluded that the sale of protected areas without legal provisions guaranteeing preservation and improvement violates the obligations laid down in the Constitution (Decision No. 28/2017). This decision is also important because it is based on anthropocentric and eco-centric perspectives (Krajnyák 2023, 19). In another case (Decision No. 13/2018) concerning the constitutionality of legislation allowing unlimited drilling and use of underground water, the arguments of the *Amicus Curiae* were also referenced. The Constitutional Council declared the law unconstitutional, justifying its decision by invoking the precautionary principle and the principle of intergenerational equity. Lastly, the Constitutional Court of Hungary, upon the initiative of the Commissioner (Decision No. 14/2020), held that "natural and cultural values should be protected per se for future generations, even if doing so acts against the actual economic interest of current generations" (Krajnyák 2022, 211-15).



Austria 2013: Declaring Environmental State Objectives in a Constitutional Act

Austrian constitutional law is specific because, in addition to its core document, the Federal Constitutional Law (Bundes-Verfassungsgesetz 1920), it encompasses a set of federal constitutional acts that are hierarchically superior to ordinary legislation (Stelzer 2022, 20-27). The first reference to environmental protection dates to 1984, when a commitment to comprehensive environmental protection was stated as a state objective in a federal constitutional act (BGBl, 491/1984). A significant step further was taken in 2013 with the adoption of the Federal Constitutional Act on Sustainability, Animal Protection, Comprehensive Environmental Protection, and Water and Food Security (FCA). This document is integral to the Austrian constitutional law (Gamper 2008, 94).

The FCA consists of eight articles, each setting a specific obligation to the Republic (including the federation, the provinces, and the municipalities). The first article specifies commitment to the principle of sustainability and inter-generational equity. The second article relates to animal protection. The third article requires comprehensive environmental protection and entrenches the prevention principle into constitutional law. The fourth article demands that the provision and quality of drinking water be ensured and that public ownership and control be maintained. The fifth article obliges the Republic to supply quality food, and the sixth article acknowledges the importance of research.

While these objectives do not grant specific rights, they must be applied as objective benchmarks by the Austrian Constitutional Court when assessing legislation or administrative acts (Stelzer 2022, 23-27). The objectives, as stated, provide more detailed guidance for state policy than the general duty for preserving the environment. Nevertheless, in the context of their enforceability, the case law of the Constitutional Court of Austria, until now, is not very promising. In a decision concerning the third runway of Vienna airport (VfSlg 20.185/2017), the Constitutional Court has somewhat restricted than widened the application of State objectives for the future. In this specific case, the Constitutional Court, according to some authors, failed to balance the public interests adequately, particularly “the protection of the general public” and “the prevention of negative effects on life, health and property” in the light of the need for comprehensive environmental protection and the sustainability principle (Hollaus 2017; Lachmayer 2024). In 2022 and 2023, the Constitutional Court of Austria rejected several climate change lawsuits for formal deficiencies. The content of the relevant applications was not addressed. This led to concerns that although anchored in the constitution, the degree of protection for the climate deriving from the Austrian constitution is weak (Bertel 2023, 73).

The restrictive approach continued in another landmark case, *Children of Austria v. Austria VFGH* (VfSlg 123/2023-12 & 139/2021-11). In 2023, a group of Austrian children filed a complaint with the Austrian Constitutional Court. The applicants alleged that the Federal Climate Protection Act (Klimaschutzgesetz 2011) is, in part, unconstitutional for failing to adhere to the principle of intergenerational equity. The Austrian Constitutional Court rejected the application as inadmissible. According to the Court, the scope of the application was too narrow, and repealing the contested provisions would not have eliminated the underlying unconstitutionality. Relying on its earlier case law, the Court, therefore, considered the application as inadmissible.

Slovenia 2016: A Constitutional Right to Drinking Water

In November 2016, the National Assembly of Slovenia supplemented the Constitution of the Republic by introducing a special right to drinking water (Constitutional Act 2016). The new Article 70a recognized the right to drinking water as a constitutionally guaranteed right. With this, Slovenia became the first country in Europe to protect it as a separate and independent right. There are a few causes for such an amendment. Slovenia, although territorially small in terms of its water resources, is one of the wealthiest countries in Europe (Eman and Meško 2020, 469). This access to a significant surplus of relatively cheap water has made it particularly interesting for large multinational corporations that, through privatization or concessions over water resources, have increased drinking water costs and decreased quality (Eman and Meško 2020, 472). These circumstances caused a robust civil movement in 2013 to strengthen the legal protection of water and water resources (Loen and Gloppen 2021, 12).

The calls for reinforcement gained momentum with the 2011 Directive of the European Commission on granting concessions contracts, which proposed at the EU level the liberalization of the process of granting concessions over natural resources, including water resources. The proposal of the Directive met with serious resistance among the public in the EU member states, which was organized in the Right2Water initiative. The Directive was adopted, but concessions regarding water resources intended for drinking were exempted from regulation (Knez 2017, 21). The Directive proposal's impact at the Slovenian level connected civil activists with the deputies and obtained support for specific constitutional amendments (Loen and Gloppen 2021, 13).

Despite the exemption of managing water resources for drinking water from the disputed Directive, the fear remained that a similar initiative could be implemented in the future. Wanting to protect water resources and the access of the citizens of Slovenia to drinking water from future legislation that may foresee their privatization, as well as the fact that laws can be changed more quickly than the constitution, a group of deputies in the Slovenian Parliament in March 2014 submitted an initiative to include the human right to water in the Slovenian Constitution. The proposal faced several obstacles; however, after more than 45,000 citizens supported a civic initiative for constitutional reforms, the initiative managed to obtain support from the leading political parties (Eman and Meško 2020). In July 2016, an amendment to the constitution was proposed, which was accepted by the Constitutional Commission and put to a vote in the Parliament in November 2016.

The right to drinking water is added to the third section of the Constitution of the Republic of Slovenia, which regulates economic and social relations foundations, as Article 70a titled "The Right to Drinking Water." The article introducing the right is composed of four paragraphs. Content-wise, the article recognizes the right to drinking water, regulates the legal nature of water and water resources, and provides the basic principles for managing water resources and water supply (Knez 2017, 21).

The first paragraph recognizes the right of every person (not only citizens) to access drinking water. The second paragraph explicitly stipulates that the state manages water resources as a public good. The third paragraph prioritizes that water resources should be primarily used to supply the population and households. The same paragraph prohibited water resources from being considered a market commodity eligible for privatization and trading.

The final paragraph further regulates the population's access to drinking water. The state can only achieve this through self-governing local communities, without intermediaries, and on a non-profit basis. Article 70a did not completely ban the water market. Water remains a commodity that can be traded for various purposes, including filling drinking water, bathing, industrial use, and hydroelectric power generation. However, the household drinking water supply will be exclusively in the public domain.

The Constitutional Court in Slovenia conducts constitutional reviews. Even before its creation in 2016, the Constitutional Court played a pivotal role in shaping the legal framework surrounding the right to drinking water (Juhart and Sancin 2022, 464-65). According to the Constitutional Court in Slovenia's database, the right to drinking water has been referenced in seven decisions since 2016. The Constitutional Court held that providing drinking water is the only original competence of local governments set in the Constitution (U-I-223/16), while the others are set in law. In a landmark decision from 2023 (U-I-416/19) concerning using plant protection products (pesticides) in core water protection areas, the Court established the principles that should be applied when interpreting the right to drinking water. The case referred to a law regulating the use of plant protection products in water protection areas, which allowed their use as long as it was not near the water source. The petitioner argued that plant protection products should be prohibited throughout core water protection areas. The Court held that the right to drinking water, particularly ensuring water is free from health hazards, is focused on providing drinking water to the present generation and future generations. Secondly, proceeding from the precautionary principle, the Constitutional Court must not overlook the possibility of harmful long-term consequences when protecting groundwater used to abstract drinking water against contamination by plant protection products. The Constitutional Court ordered the National Assembly and the Government to remedy the unconstitutionality within one year of the Decision. In the meantime, it was determined that until the established unconstitutionality is remedied, plant protection products may not be used in part of the core water protection areas in the Ljubljansko Polje aquifer area. In another decision (U-I-25/17) concerning the constitutionality and legality of the Decree on the National Spatial Plan, the CC adopted the position that non-governmental organizations in the field of environmental protection that operate in the public interest have themselves a legal interest when intending to protect the environment, they challenge implementing regulations that regulate the field of environmental protection and stressed the importance of environmental assessment institutes for environmental protection.

DISCUSSION

The findings of this study reveal significant developments in the constitutionalization of environmental rights across selected European countries. This trend reflects a more profound recognition of the intrinsic connection between environmental sustainability and human rights, a view supported by other researchers in the field (Jeffords and Minkler 2016). The novel approaches present an intriguing case for examining their contributions to individual and collective liberty, intergenerational equity, and environmental protection. Although unique and progressive in the European context, they have retained an anthropocentric approach, where rights exist to meet the needs of people rather than those of the environment and nature. Some

minor steps to incorporate eco-centric approaches are evident in the Preamble to the French Charter of the Environment, which states that “natural resources and equilibriums have conditioned the emergence of humanity,” as well as in Decision No. 28/2017 of the Constitutional Court of Hungary, which balances anthropocentric and biocentric values. However, it is too early to conclude that the heralded paradigm shift is near the horizon. Compared to other legal traditions, particularly those from Latin America and Southeast Asia, Europe remains conservative in granting status to nature as a subject of law and a right-holder.

Implementing constitutional amendments or provisions, such as France’s Charter for the Environment and Montenegro’s Declaration as an “ecological state,” illustrates a growing legal commitment to embed environmental considerations into the highest legal governance frameworks. This development has profound implications for both the environment and human liberties. Incorporating environmental rights into constitutional law suggests a transformative shift in the legal landscape. Specifically, it indicates that environmental issues are now viewed as fundamental rights that necessitate constitutional protection (Collins 2007; Hiskes 2008). Strong political leadership, such as in France, Hungary, and Slovenia, also leads to more progressive moves in the constitutional protection of the environment.

Comparatively, the analysis of the constitutional amendments in Hungary, Slovenia, and Austria illustrates varying degrees of success in enforcing these newly established environmental rights. For instance, Hungary’s establishment of the Ombudsman for Future Generations presents a proactive institutional approach to protect the interests of future generations (Debisso and Szabó 2021). This office has demonstrated a determination to influence the judiciary’s willingness to interpret the environmental provisions in the Constitution robustly. On the other hand, Austria’s Federal Constitutional Act demonstrates a commitment to sustainability. However, it faces challenges regarding the enforceability of its provisions, as seen in recent court decisions. These disparities highlight the variability in how constitutional provisions are interpreted and enforced, affecting their ability to facilitate genuine environmental protection effectively and, by extension, protect human rights and liberties.

Despite these advancements, several limitations emerge from the study. Firstly, the impact of these constitutional provisions remains contingent on the political will of the various governments to prioritize environmental issues over economic development concerns, such as in the case of Montenegro and Austria. As the example of Hungary showed, the need for enforcement mechanisms can be highly valuable and effective in ensuring the constitutional provisions are adequately implemented. Furthermore, the constitutionalizing process itself may be hindered by socio-political factors, such as corruption or public apathy, particularly in countries like Montenegro, where environmental degradation continues to escalate despite constitutional promises.

Future research should explore the implications of these constitutional amendments on the principles of intergenerational equity and human rights. Areas ripe for further inquiry include comparative analyses of the implementation of environmental constitutional rights across different jurisdictions and the effectiveness of constitutional courts in interpreting and enforcing these rights. Additionally, scholars could investigate how public participation in environmental governance, as facilitated by constitutional provisions, enhances democratic values and ensures greater accountability in governance. Such research could highlight these constitutional frameworks’ critical role in environmental protection and fortifying human liberties against

governmental infringement. In conclusion, the recent constitutional amendments may herald a new era for environmental constitutionalism in Europe, aligning legal advancements with the need to protect human rights.

CONCLUSION

The experiences of the five countries demonstrated that the constitutionalization of environmental protection is gaining momentum, and it is no longer viewed exclusively as a declaratory pledge. The scope, forms, content, and manner of performance vary and depend to a large extent on the specific socio-political circumstances in each country, the constitutional-legal tradition, the level of development of civil society, and especially the level of priority given to green issues among key political factors.

Furthermore, a trend that is also noticeable is the inclusion in the Constitutions of the so-called procedural rights of the environment, above all, the right to information, participation, and legal remedy. These procedural rights are essential for giving people the agency necessary for them to have a voice in crafting environmental policies and decisions. This is essential for protecting their liberties. Mainly because environmental decision-making often requires balancing competing interests. Protecting individual liberties requires that people have a say whenever a specific decision affects the environment, as well as their right to property and the freedom of enterprise.

Citizen support for constitutional amendments proved to be a particularly significant factor. This was especially the case in Slovenia, where the "Citizens' Initiative for Slovenia and Freedom," an advocacy group, utilized the constitutional opportunity to initiate a procedure for amending the Constitution. Without the citizens' initiative, there was a real possibility that the process would get lost in the political labyrinths. On the other hand, strong political leadership can also be a significant factor in raising environmental protection.

The different legal traditions among nations were also observed in the development of the provisions analyzed in this paper. The universality of human rights and the republican ideals founded by French statehood are reflected in the place accorded to the Charter in the country's constitutional order. On the other hand, the state-legal history of Slovenia in the SFRY, as well as the attitude towards the social situation and resistance to neoliberal ideas regarding privatization, had a significant impact on ensuring the constitutional protection of drinking water as a public good rather than a private good that can be traded.

Constitutional recognition of environmental protection continues to have a solid normative and symbolic function. The legitimacy of these rights is strengthened by regulating environmental degradation as a violation of fundamental constitutional norms. What is more, the constitutional provisions that protect the environment can direct the content of laws and policies in a "greener" direction and, as such, should no longer be perceived as texts with a political declarative meaning but as practical legal texts that citizens can rely on. They are more frequently used in procedures for constitutional review to annul legislation that violates environmental rights and principles.

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REFERENCES

1. Bertel, Maria. 2023. "Climate Change Law and the Austrian Federal System." *Revista d'Estudis Autònomic Federal*. *Journal of Self-Government* 37 (June): 61-92. <https://doi.org/10.57645/20.8080.01.3>.
2. Bosselmann, Klaus. 1992. *Im Namen der Natur: der Weg zum ökologischen Rechtsstaat*. 1st ed. Bern, München, Wien: Scherz.
3. Bourq, Dominique, and Kerry H. Whiteside. 2007. "France's Charter for the Environment: Of Presidents, Principles, and Environmental Protection." *Modern & Contemporary France* 15 (2): 117-33. <https://doi.org/10.1080/09639480701299921>.
4. Boyd, David R. 2012. *The Environmental Rights Revolution: A Global Study of Constitutions, Human Rights, and the Environment*. Law and Society Series. Vancouver, BC: UBC Press.
5. Boyd, David R. 2019. "Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy, and Sustainable Environment." Report of the Special Rapporteur of UN on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment A/74/161. United Nations.
6. Boyle, Alan E. 2008. "Human Rights or Environmental Rights? A Reassessment." *Fordham Environmental Law Review* 18 (3): 471-511.
7. Boyron, Sophie. 2012. *The Constitution of France: A Contextual Analysis*. 1st ed. Constitutional Systems of the World. London, England: Zed Books. <https://doi.org/10.5040/9781509955749>.
8. Brandl, Ernst, and Hartwin Bungert. 1992. "Constitutional Entrenchment of Environmental Protection: A Comparative Analysis of Experiences Abroad." *Harvard Environmental Law Review* 16 (1).
9. Collins, Lynda. 2007. "Environmental Rights for the Future? Intergenerational Equity in the EU." *Review of European Community & International Environmental Law* 16 (3): 321-31. <https://doi.org/10.1111/j.1467-9388.2007.00568.x>.
10. Dadomo, Christian. 2017. "The 'Constitutionalisation' of French Environmental Law under the 2004 Environmental Charter." In *New Frontiers in Environmental Constitutionalism*, 146-59.
11. Daly, Erin, and James R. May. 2015. "Comparative Environmental Constitutionalism." *Jindal Global Law Review* 6 (1): 9-30. <https://doi.org/10.1007/s41020-015-0001-8>.
12. Daly, Erin, and James R. May. 2018. "Environmental Dignity Rights." In *The Effectiveness of Environmental Law*, edited by Sandrine Maljean-Dubois, 1st ed., 125-48. Intersentia. <https://doi.org/10.1017/9781780687384.008>.
13. Daly, Erin. 2012. "Constitutional Protection for Environmental Rights: The Benefits of Environmental Process." *International Journal of Peace Studies* 17 (2): 71-80.
14. Debisso, Kinga, and Marcel Szabó. 2021. "An Institution for a Sustainable Future: The Hungarian Ombudsman for Future Generations." *Hungarian Yearbook of International Law and European Law* 9 (1): 338-58. <https://doi.org/10.5553/HYIEL/266627012021009001019>.

15. Derbyshire, Alan. 2016. "How Will the Sustainability Aspiration of the 2007 Constitution of Montenegro Be Realised in the Developing Architectural and Urban Form of the Boka Kotorska Region?" Doctoral thesis (PhD), Manchester Metropolitan University.
16. Eman, Katja, and Gorazd Meško. 2020. "Access to Safe and Affordable Drinking Water as a Fundamental Human Right: The Case of the Republic of Slovenia." In *The Emerald Handbook of Crime, Justice and Sustainable Development*, edited by Jarrett Blaustein, Kate Fitz-Gibbon, Nathan W. Pino, and Rob White, 465-84. Emerald Publishing Limited. <https://doi.org/10.1108/978-1-78769-355-520201025>.
17. Gamper, Anna. 2008. "Introduction to the Study of the Law of the Austrian Federal Constitution." *ICL Journal* 2 (2): 92-111. <https://doi.org/10.1515/icl-2008-0204>.
18. Gellers, Joshua C. 2015. "Explaining the Emergence of Constitutional Environmental Rights: A Global Quantitative Analysis." *Journal of Human Rights and the Environment* 6 (1): 75-97. <https://doi.org/10.4337/jhre.2015.01.04>.
19. Goldsmith, Edward, and Robert Allen. 1972. *A Blueprint for Survival*. A Penguin Special. Harmondsworth: Penguin.
20. Hardin, Garrett. 1968. "The Tragedy of the Commons: The Population Problem Has No Technical Solution; It Requires a Fundamental Extension in Morality." *Science* 162 (3859): 1243-48. <https://doi.org/10.1126/science.162.3859.1243>.
21. Hayward, Tim. 2005. *Constitutional Environmental Rights*. Oxford; New York: Oxford University Press.
22. Hiskes, Richard P. 2008. *The Human Right to a Green Future: Environmental Rights and Intergenerational Justice*. 1st ed. Cambridge University Press. <https://doi.org/10.1017/CBO9780511575396>.
23. Hollaus, Birgit. 2017. "Austrian Constitutional Court: Considering Climate Change as a Public Interest Is Arbitrary - Refusal of Third Runway Permit Annulled: Judgment of 29 June 2017, E 875/2017." *ICL Journal* 11 (3): 467-77. <https://doi.org/10.1515/icl-2017-0070>.
<https://doi.org/10.1007/s41020-015-0001-8>
<https://doi.org/10.1111/j.1467-9388.2007.00568.x>
<https://doi.org/10.59962/9780774821629>
24. Jeffords, Chris, and Lanse Minkler. 2016. "Do Constitutions Matter? The Effects of Constitutional Environmental Rights Provisions on Environmental Outcomes." *Kyklos* 69 (2): 294-335. <https://doi.org/10.1111/kykl.12112>.
25. Juhart, Miha, and Vasilka Sancin. 2022. "Slovenia: An Example of a Constitution Guaranteeing High-Level Protection of Natural Resources and Sui Generis Right to Drinking Water." In *Studies of the Central European Professors' Network*, edited by János Ede Szilágyi, 439-78. Central European Academic Publishing, Ferenc Mádl Institute of Comparative Law. https://doi.org/10.54237/profn2022.jeszczpfg_11.
26. Kajosevic, Samir. 2021. "Montenegro Makes Mockery of 1991 'Ecological State' Declaration." *Balkan Insight*, 2021. <https://balkaninsight.com/2021/09/20/montenegro-makes-mockery-of-1991-ecological-state-declaration/>.
27. Knez, Rajko. 2017. "A Jar Door to Private Interest in Water (Drinking Water Supply) Market - Rare Case of Slovenia, Triggered by the EU Proposal on the Directive on Concessions."

- InterEULawEast: Journal for the International and European Law, Economics and Market Integrations 4 (2): 19-37. <https://doi.org/10.22598/iele.2017.4.2.2>.
28. Kotzé, Louis J. 2015. "The Conceptual Contours of Environmental Constitutionalism." *Widener Law Review* 21: 187-200.
 29. Krajnyák, Enikő. 2022. "Hungary: A Progressive Approach to the Protection of the Environment and Future Generations in a Traditional Constitution." In *Studies of the Central European Professors' Network*, edited by János Ede Szilágyi, 203-48. Central European Academic Publishing, Ferenc Mádl Institute of Comparative Law. https://doi.org/10.54237/profnet.2022.jeszcepg_6.
 30. Krajnyák, Enikő. 2023. "The Role and Activity of the Deputy Commissioner for Fundamental Rights Ombudsman for Future Generations in Shaping Environmental Protection in Hungary." *Journal of Agricultural and Environmental Law = Agrár- És Környezetjog* 18 (34): 7-30. <https://doi.org/10.21029/JAEL.2023.34.7>.
 31. Lachmayer, Konrad. 2024. "The Constitutional Context of Climate Change Litigation. A Comparative Analysis of Germany and Austria." In *Climate Change Litigation in Europe - Regional, Comparative and Sectoral Perspectives*. Intersentia.
 32. Loen, Mathea, and Siri Gloppen. 2021. "Constitutionalising the Right to Water in Kenya and Slovenia: Domestic Drivers, Opportunity Structures, and Transnational Norm Entrepreneurs." *Water* 13 (24): 3548. <https://doi.org/10.3390/w13243548>.
 33. Marrani, David. 2008. "The Second Anniversary of the Constitutionalisation of the French Charter for the Environment: Constitutional and Environmental Implications." *Environmental Law Review* 10 (1): 9-27. <https://doi.org/10.1350/enlr.2008.10.1.002>.
 34. Marrani, David. 2015. "Reinforcing Environmental Rights: The French Charter for the Environment." *Revista Europea de Derechos Fundamentales* 25 (1): 383-400.
 35. May, James R., and Erin Daly. 2014. *Global Environmental Constitutionalism*. 1st ed. Cambridge University Press. <https://doi.org/10.1017/CBO9781139135559>.
 36. Meadows, Donella H., Club of Rome, and Potomac Associates, eds. 1974. *The Limits to Growth: A Report for the Club of Rome's Project on the Predicament of Mankind*. 2nd ed. A Potomac Associates Book. New York: Universe Books.
 37. O'Gorman, Roderic. 2017. "Environmental Constitutionalism: A Comparative Study." *Transnational Environmental Law* 6 (3): 435-62. <https://doi.org/10.1017/S2047102517000231>.
 38. Perju, Vlad. 2012. "Constitutional Transplants, Borrowing, and Migrations." In *The Oxford Handbook of Comparative Constitutional Law*, by Vlad Perju, edited by Michel Rosenfeld and András Sajó. Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780199578610.013.0065>.
 39. Petersmann, Marie-Catherine. 2022. "Life Beyond the Law - From the 'Living Constitution' to the 'Constitution of the Living.'" *Zeitschrift Für Ausländisches Öffentliches Recht Und Völkerrecht / Heidelberg Journal of International Law* 82 (4): 769-800. <https://doi.org/10.17104/0044-2348-2022-4-769>.
 40. Rawls, John, ed. 1971. *A Theory of Justice*. Original edition. Cambridge, Mass: Harvard University Press. <https://doi.org/10.4159/9780674042605>
 41. Report of the United Nations Conference on the Human Environment. 1972. United Nations. A/CONF.48/14/Rev.1. Stockholm: United Nations.

42. Sen, Amartya. 1999. *Development as Freedom*. 1st ed., 6th print. Borzoi Book. New York: Alfred A. Knopf.
43. Shelton, Dinah. 2004. *International Environmental Law: 3rd Edition*. Brill Book Archive Part 1. ISBN: 9789004472495. Leiden Boston: Brill | Nijhoff.
<https://doi.org/10.1163/9789004481381>.
44. Sohnle, Jochen H. 2018. "Judicial Implementation of Environmental Constitutionalism in France: A Fertile Ground from the Charter of the Environment." In *Implementing Environmental Constitutionalism*, edited by Erin Daly and James R. May, 1st ed., 159-79. Cambridge University Press. <https://doi.org/10.1017/9781316691588.010>.
45. Stelzer, Manfred. 2022. *The Constitution of the Republic of Austria: A Contextual Analysis*. 2nd ed. Constitutional Systems of the World. Oxford London New York New Delhi Sydney: Hart.
46. Stone, Christopher D. 1972. "Should Trees Have Standing? - Towards Legal Rights for Natural Objects." *Southern California Law Review* 45:450-501.
47. Vukčević, Mladen. 2021. *Komentar Ustava Crne Gore*. Drugo osavremenjeno izdanje. Podgorica: Udruženje pravnika Crne Gore.
48. Weis, Lael K. 2018. "Environmental Constitutionalism: Aspiration or Transformation?" *International Journal of Constitutional Law* 16 (3): 836-70.
<https://doi.org/10.1093/icon/moy063>.
49. Weiss, Edith Brown. 1990. "In Fairness to Future Generations." *Environment: Science and Policy for Sustainable Development* 32 (3): 6-31.
<https://doi.org/10.1080/00139157.1990.9929015>.
50. Wiener, Jonathan B. 2001. "Something Borrowed for Something Blue: Legal Transplants and the Evolution of Global Environmental Law." <https://doi.org/10.15779/Z383G1S>.



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Libertarian Perspectives on Social Change: The Overton Window and the Role of the State in Macedonian Society

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Abstract

This paper analyzes public opinion on the state's role in Macedonian society. The Ideological Carreau and the Overton Window of Political Possibilities frameworks visually represent the findings. The primary objective was to develop a reliable tool for measuring public attitudes and monitoring potential shifts in political culture. To gather the necessary data, an online political quiz was created. The responses were analyzed using arithmetic means to determine public opinion's central tendencies and position them within the Ideological Carreau. The analysis revealed that public attitudes toward the state's role predominantly align with the conceptual model of the liberal democratic state and the ideological orientation of modern liberalism.

Keywords

Libertarianism; Liberalism; State; Social Change; Overton Window; Ideological Carreau; Public Opinion; North Macedonia

INTRODUCTION

This paper analyzes public opinion regarding the state's role in Macedonian society, focusing on the ideological framework of libertarianism. By employing the Ideological Carreau and Overton Window of Political Possibilities models, this study visually presents the relationship between public opinion and political ideologies, offering a unique lens to understand the preferences and shifts within the Macedonian populace.

The paper is structured as follows: a literature review, an overview of the theoretical framework, an explanation of the research methodology, an interpretation of the results, an assessment of the applicability of the models, recommendations for future research, and an exploration of potential methods for social change. This study's core is a theoretical framework grounded in libertarianism, both as a political ideology and as an academic discourse that informs the study's central concepts.

This research focuses on a specific dimension of public opinion by examining the ideological preferences of individuals in North Macedonia, particularly their views on the state's role in society from a libertarian standpoint. Utilizing the Overton Window of Political Possibilities, the study provides a conceptual model to gauge the space in which socio-political ideas and policies are considered acceptable or outside the mainstream.

The primary objective of this research is to provide scholars, policymakers, and other stakeholders with a robust methodological framework for measuring public opinion and monitoring shifts in political thought over time. By applying the Overton Window, the study

aims to generate empirical insights to help anticipate the evolution of socio-political institutions and public policy in the Republic of North Macedonia.

The significance of this research lies in its capacity to identify the relative popularity of various ideas and policies by situating them within the Overton Window spectrum. By understanding the societal acceptability of these ideas, stakeholders can more effectively assess the potential for political and institutional change. Furthermore, the study provides critical insights into how public opinion on key socio-political issues can be systematically tracked and analyzed, establishing a foundation for future academic research and evidence-based policymaking.

LITERATURE REVIEW

Although a wide range of sources has informed the development of this paper, the literature is primarily grounded in five seminal works that are central to the analysis.

The first of these is Friedrich A. Hayek's "The Intellectuals and Socialism" (1949), an essay that examines the success of socialism in the 20th century and explores the intellectual foundations behind its rise. Hayek argues that intellectuals played a pivotal role in advancing socialism by influencing public opinion and promoting socialist policies indirectly, serving as intermediaries between ideas and the public (Hayek 1949, 1-3). A key insight from Hayek is that substantial social change is often preceded by shifts in public opinion rather than direct political advocacy.

The second work, "Ideology and the Individual" (2009) by Prof. Branislav Sarkanjac, examines ideology and its constituent elements, providing a critical framework for understanding how ideological movements shape societal dynamics.

Brian Doherty's "Radicals for Capitalism: A Freewheeling History of the Modern American Libertarian Movement" (2007) constitutes the third key text. This extensive volume chronicles the history and evolution of libertarianism in the United States, highlighting the movement's key figures and ideological foundations. Spanning over 700 pages, it is an essential reference for understanding the core principles of libertarian thought and their development over time (Doherty 2007).

The fourth work, "The State: Its History and Development Viewed Sociologically" by Franz Oppenheimer, traces the state's historical evolution from its origins to its contemporary form. Oppenheimer's pioneering theories on the state's emergence and its sociological implications provide a foundational perspective on state power and governance.

Finally, the article "Overton Window of Political Possibilities" (2019), published by the Mackinac Center for Public Policy, offers an analysis of the Overton Window model, pivotal for understanding the shifting boundaries of acceptable political discourse.

Together, these works provide the theoretical underpinnings for this research, offering critical insights into the fundamental concepts explored. However, despite the extensive literature on these topics, empirical studies focusing on the potential for social change toward libertarianism remain scarce. While libertarianism is grounded in robust moral and economic foundations, there is a noticeable gap in research regarding strategic approaches for advancing such change and measuring the popularity and influence of libertarian ideas in the public sphere.

THEORETICAL FRAMEWORK

The theoretical framework comprises seven main concepts: ideology, libertarianism, the state, social change, Ideological Carreau, the Overton Window of Political Possibilities, and the Overton Window of the state's role in society.

Ideology

Ideology is “a set of ideas or perspectives through which people see and interpret the world” (Ilik 2012). Political ideology, more specifically, consists of beliefs, principles, and positions on how society should be structured and governed. It includes justifications for these beliefs, critiques of existing social conditions, a vision for a better future, and strategies for achieving change.

According to Prof. Branislav Sarkanjac (2009), ideology has three key components:

- Eidology – The foundation of an ideology, providing justifications for the alternative socio-political organization, fundamental principles, and a critique of the current system.
- Ideotely – The vision of an alternative reality that the ideology seeks to achieve by applying its core principles and moving beyond the *status quo*.
- Ideology – The strategies and methods for driving social change, guiding the transition from the current system to the envisioned alternative reality (pp. 25-31).

In this paper, ideology is understood as a set of beliefs, principles, and positions regarding the appropriate role of the state in society (Ilievski 2025a).

Libertarianism

Big-tent approach libertarianism is an ideological tradition covering various schools of thought, theories, and perspectives on individual liberty and related concepts such as minimal government, free markets, free expression, and the rule of law as fundamental principles of societal organization. Its interpretations span multiple disciplines, including economics, political theory, and philosophy. According to Doherty (2007):

Libertarianism is based in economic theory, as economic science teaches how workable order can arise from the seeming chaos of free actions uncoordinated by a single outside intelligence, and how government intervention is apt to upset that balance. It is based in moral theory, positing what is or is not right when it comes to a human being, or group of human beings, using force or coercion on another. It is based in political theory, exploring the likely effects of granting human beings power over others. It is ultimately a delicate ecological balance of all these, with history in the mix as well, to further understand how the constant struggle of liberty versus power tends to play out in the real world (p. 15).

The fundamental theoretical foundations of libertarianism include Natural rights theory, the Austrian School of Economics, the Chicago School of Economics, public choice theory, Objectivist philosophy, Hayekian evolutionism, and Rothbardian anarcho-capitalism (Zwolinski

and Tomasi 2023). Its five most influential figures are Ludwig von Mises, Friedrich A. Hayek, Ayn Rand, Murray Rothbard, and Milton Friedman (Doherty 2007, 8). Based on the nature of their arguments, these theoretical foundations can be divided into philosophical (moral) and economical (utilitarian).

When talking about “-isms,” the open interpretation of liberty or big-tent approach libertarianism incorporates liberalism (classical or modern), capitalism (radical or conscious), objectivism, and (analytical) anarchism (Boettke 2007).

Table 1: Libertarian Interpretations and Justifications (Source: Ilievski 2025a)

Libertarian Interpretations and Justifications	
Philosophy/Morality	Economics/Utility
Natural Rights Theory	Austrian School of Economics
Objectivism	Chicago School of Economics
Rothbardian Anarcho-Capitalism	Public Choice Theory
	Hayekian Evolutionism

Despite the variations among different types of libertarianism, they share a common goal: advancing toward a freer society. While there are at least three distinct interpretations of what a truly free society entails, there is broad agreement on the process to achieve it. This transformation involves reducing and liberalizing the role of the state (or government) in society while simultaneously expanding individual liberty and promoting the free market.

One of the main aspects of libertarianism is the role of the state (or government). In this framework, liberty is seen as the opposite of state power — meaning that less government equates to more freedom, whereas an omnipotent government inherently restricts individual freedoms (Mises 1998).

At least three different approaches to the nature and proper role of the state can be distinguished from a libertarian perspective:

- Minimal state (Friedrich Hayek, Milton Friedman, and Matt Zwolinski).
- Night-watchman state (Ludvig von Mises, Ayn Rand, and Robert Nozick).
- Stateless society (Murray Rothbard, Hans Hermann Hoppe, and David Friedman).

The State

The second key concept examined in this paper is the state. Following Max Weber’s (1949) definition, the state is understood as a human community that claims the legitimate use or threat of physical violence. By its nature, the state is a unique entity within society, allowing for various forms of analysis. According to the comprehensive description of Anthony de Jasay (1998), the state is:

An instrument created to serve its user. It is generally perceived as benign, and helpful for achieving people’s goals. The form, functions, and identity of its beneficiaries can vary, but the instrumental nature is accepted from different stances of contemporary political thought. Securing the peace for Hobbes,

protecting the natural right of liberty and property, for Lock, realizing social will for Rousseau, and a generator for improving the social conditions for Bentham and Mill. For today's liberals, it exceeds the lack of capacity of private interests to cooperate socially. It coerces the production of collective units of public goods, such as order, defense, air quality, streets, and universal education. Public goods, in a broader sense, involve the achievement of distributional justice (p. 18).

The state's role, a central focus of this paper and De Jassay's definition is related to its services and functions in society (see Table 2).

Table 2: The Functions of the State (Source: Ilievski 2025a)

Right-Wing Functions	Left-Wing Functions
Spiritual and Identificational	Economic and Financial
Security and Judicial	Healthcare and Social
Morality and Nurture	Educational and Cultural
	Ecological

As one of the main subjects of interest in libertarianism, the state is primarily defined by its size within society and its attitude toward its citizens. Through the libertarian perspective, the state is described as a "hegemonic organization" (Mises 1998), "a negation of freedom" (Mises 2009), and the great fictitious entity by which everyone seeks to live at the expense of everyone else (Bastiat 1848).

Based on two key factors — state size and its attitude — ten conceptual types of states are identified and presented in Table 3.

Table 3: Typology of States and Ideologies (Source: Ilievski 2025a)

Ideology	Typology of State
Anarchism	Stateless Society
Voluntarism	Ultra-Minimal State
Libertarianism	Night-Watchman State
Classical Liberalism	Minimal State
Modern Liberalism	Liberal Democracy
Etatism	Centralized Bureaucratic State
Authoritarianism	Authoritarian State
Totalitarianism	Totalitarian State
National-Bolshevism	National-Bolshwik State
Totalism	Total State

Social Change

The third key concept in this paper is social change, which, in this context, refers to various processes of transformations in a society's institutions and public policies. The processes that move society toward greater freedom are considered forms of libertarian social change (Blundel 2015). In contrast, ideological change pertains to individual shifts in beliefs, preferences, and attitudes (Stringham and Hummer 2010). According to the dominant libertarian approach to social change - "educationism" (Rothbard 1978), an ideological transformation of individuals plays a crucial role in driving broader social change.

One of the most important theories for social change in the libertarian discourse is the Hayekian one, based on his Austrian Capital Theory and the Structure of Production (of Goods). Building on this structure, Hayek also developed the Austrian Theory of the Production and Distribution of Ideas (Hart 2015). The process begins with the original creators of ideas — in the libertarian case, figures such as Ludwig von Mises, Friedrich Hayek, Ayn Rand, Murray Rothbard, Milton Friedman, and others.

However, new ideas are rarely embraced immediately upon their inception. Instead, the task of popularizing these concepts falls to what Hayek (1949) refers to as "intellectuals" or what Rothbard (1990) calls "cadres." Inspired by the work of the original thinkers, these intermediaries disseminate ideas, initiating ideological change and influencing public opinion. Once public opinion shifts — a complex and multifaceted process — the next stage involves exerting pressure on political elites to implement public policies or necessary institutional change (Ilievski 2025b).

The change in public opinion is expected to result in emerging pro-liberty political parties or strengthening the liberty components in the current political parties.

Table 4: The Structure of Production and Distribution of Ideas - an Austrian Analysis (Source: Hart 2015; Ilievski 2025b)

Highest Order	→	<ul style="list-style-type: none"> • Original Scholarly Works of Theory • Universities, Research Institutes
Third Order	→	<ul style="list-style-type: none"> • Universities, Colleges • Monographs, Journal Articles • Textbooks
Second Order	→	<ul style="list-style-type: none"> • Think Tanks • Public Policy Documents • Legislation
First Order	→	<ul style="list-style-type: none"> • Public Media - TV, Newspapers, Internet • Election Campaigns

The Ideological Carreau

The Ideological Carreau represents an ideological spectrum designed to visually depict the progression of ideologies based on their perspectives on the proper state's role in society. It covers 10 ideologies and 10 types of state (except the conceptual model of Stateless Society). Furthermore, the Ideological Carreau helps individuals identify their ideological position within the spectrum. Ideologies are directly shaped by political power and, more specifically, by the state's role in society. Figure 1 outlines a visual representation of the Ideological Carreau and/or the typology spectrum of the state.

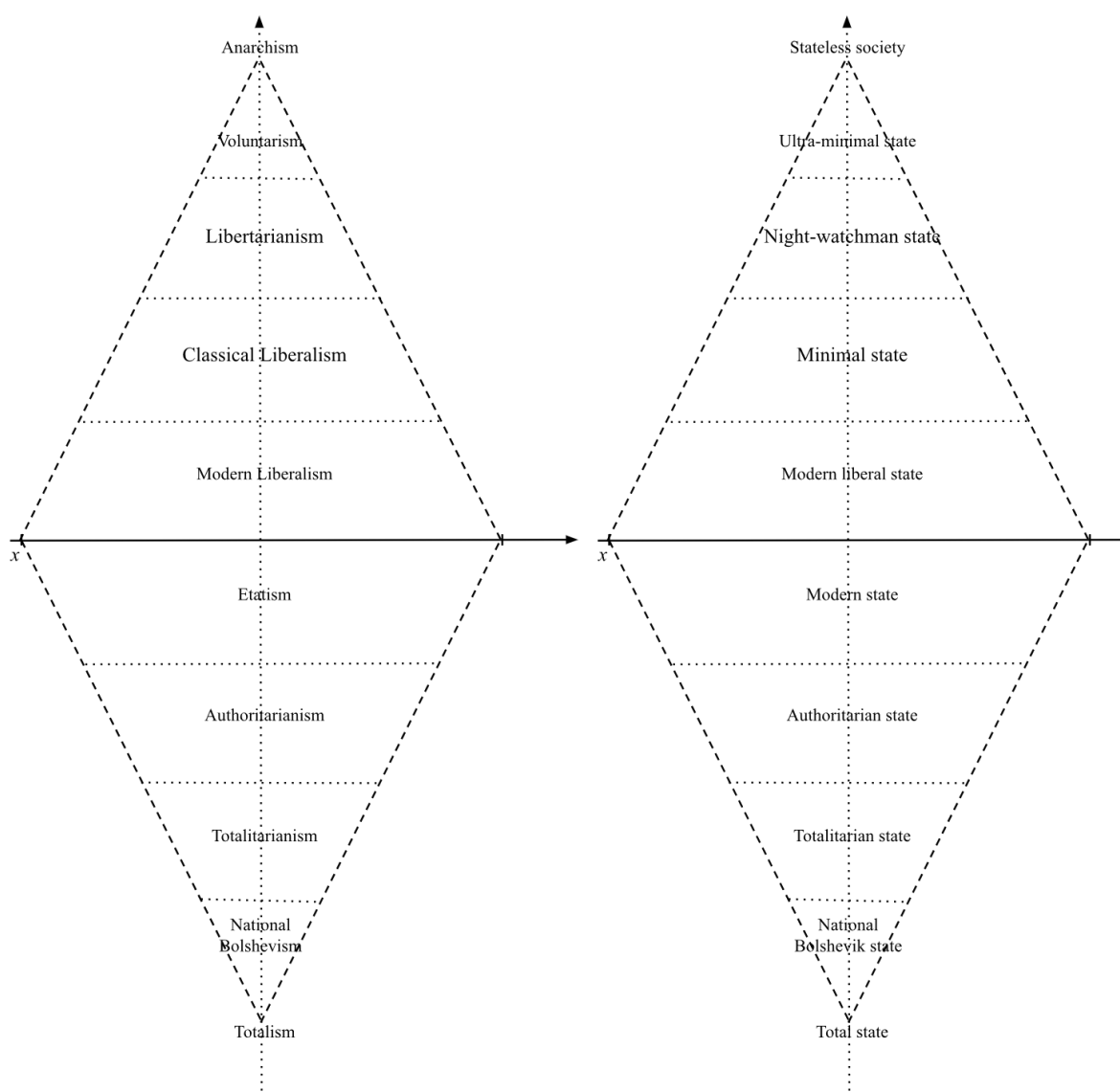


Figure 1: Ideological Carreau and/or State Typology Spectrum (Ilievski 2025a)

The Overton Window of Political Possibilities

The Overton Window of Political Possibilities is a conceptual model and visual framework (Ilievski 2025b) that illustrates the public's perception of ideas and possible public policies. Developed by Joseph P. Overton (1960–2003), former Vice President of the Mackinac Center for Public Policy, the model is based on the idea that in democratic contexts, political elites and their proposed policies are largely shaped by public opinion. Politicians are unlikely to introduce policies based on radical or widely unacceptable ideas (Blundel 2015), whereas policies aligned with popular opinion are more easily accepted and implemented, as visualized in Table 5.

Table 5: Detailed Overton Window of Political Possibilities (Source: Ilievski 2025b)

UNTHINKABLE
RADICAL
ACCEPTABLE
SENSIBLE
POPULAR
POLICY
POPULAR
SENSIBLE
ACCEPTABLE
RADICAL
UNTHINKABLE

From the standpoint of public opinion, ideas and policies vary in acceptance. Some are widely embraced, while others are considered radical and unacceptable. The Overton Window serves as a framework to categorize and illustrate the extent to which certain ideas and policies are deemed acceptable by society. The specific Overton Window of political possibilities covers ideas and/or public policies popular in the public discourse.

A spectrum of public policies must exist for the model to be fully applied. A common example of such a spectrum can be seen in policies regarding the legal status of cannabis and related regulations, as visualized in Table 6.

Table 6: Spectrum of the Legal Status of Cannabis and Related Regulations (Source: Ilievski 2025b)

No public policies concerning cannabis - Total freedom
Public policy on legalizing recreational use of cannabis
Public policy on decriminalizing recreational use of cannabis
Legalizing the medical use of cannabis for a variety of conditions
Legalizing the medical use of cannabis for a limited number of conditions
Tolerating cannabis consumption and imprisonment for cannabis producers and sellers
Fines for cannabis consumption in public spaces
Fines for cannabis consumers
Harsh imprisonment for cannabis producers, sellers, and the ones enabling consumption
Mandatory testing and harsh imprisonment for cannabis producers, sellers and users
Death penalty for cannabis producers, sellers, and users

The Overton Window applies to the entire spectrum of public policies based on their popularity. Depending on public opinion, it helps categorize and visualize where each policy falls — whether it is considered popular, sensible, radical, or unacceptable.

The Overton Window of the State's Role in Society

Although the Overton Window is typically applied to specific policies, this research aims to extend its application to the broader social and/or ideological organization topic, represented through the Ideological Carreau or the typology spectrum of the state. Additionally, it is tailored to a specific area — the state's role in society — and is simplified into five distinct windows.

The top and bottom windows represent the Radical windows covering radical and unthinkable ideas. The ones closer to the center are considered Sensible windows, which involve sensible and acceptable ideas. The central one represents the Overton Window of the state's role in society, which are the popular ideas. It is visually represented in Table 7.

Table 7: The Overton Window and the State's Role in Society (Source: Ilievski 2025b)

RADICAL WINDOW (Radical and Unthinkable Ideas)
SENSIBLE WINDOW (Sensible and Acceptable Ideas)
OVERTON WINDOW OF THE ROLE OF A STATE IN SOCIETY (Popular Ideas)
SENSIBLE WINDOW (Sensible and Acceptable Ideas)
RADICAL WINDOW (Radical and Unthinkable Ideas)

METHODOLOGY AND RESULTS

The research is carried out in six distinct phases:

- Hypothesis Development – Formulating both a main and a specific hypothesis.
- Ideological Framework – Developing an Ideological Carreau and/or a typology spectrum of the state.
- Overton Window Analysis – Establishing an Overton Window for the state's role.
- Quiz Design – Developing a political quiz consisting of 28 evaluative statements.
- Data Collection – Publishing the quiz online and collecting participant responses.
- Results Analysis – Interpreting the quiz results, which constitute the core of this study.

Formulation and Development of Hypotheses

Two hypotheses have been developed to advance the aims of the research.

Main Hypothesis: The Overton Window's central position on the state's role in Macedonian society is within liberal democracy.

Specific Hypothesis: The Overton Window's central position on the state's role in Macedonian society is within the left field of liberal democracy, or liberal welfare state.

Developing an Ideological Carreau and/or State Typology Spectrum

The Ideological Carreau has 17 key points, illustrating how ideologies develop and interpret the state's role in society. Each ideological field spans 0.5 units on the y-axis, while the x-axis ranges from 2 to 0 units, representing the spectrum from anarchism (no state control) to Totalism (absolute state control). The important points in the Carreau are presented in Figure 2 and Table 8. In contrast, the specific ideologies represented through conceptual types of states are presented in Table 9 (Specific Ideology in the Ideological Carreau).

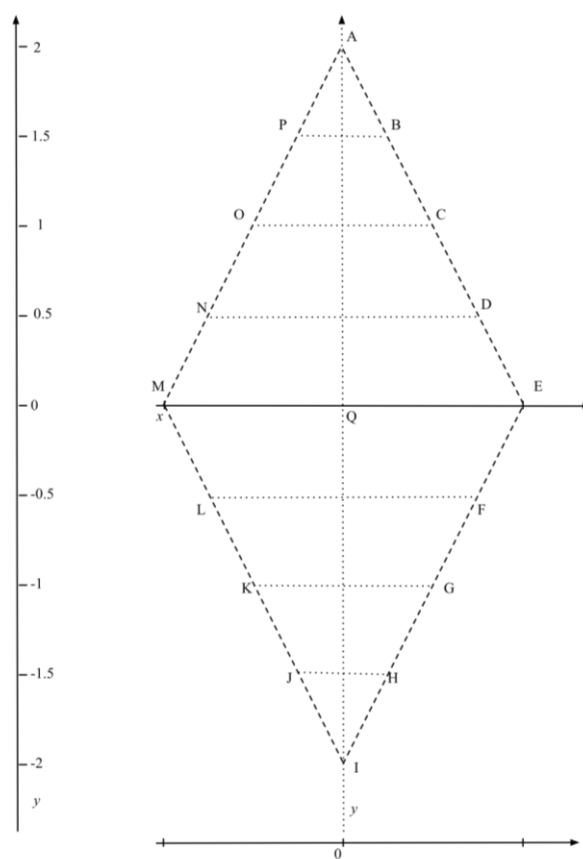


Figure 2: Points in the Ideological Carreau (Ilievski 2025a)

Table 8: Important Points in the Ideological Carreau (Source: Ilievski 2025a)

Important Points in the Ideological Carreau		
Point/Field	Ideology	Typology of State
A	Anarchism	Stateless Society
ABP	Voluntarism	Ultra-Minimal State
BCOP	Libertarianism	Night-Watchman State
CDNO	Classical Liberalism	Minimal State
DEMN	Modern Liberalism	Liberal Democracy
EFLM	Etatism	Centralized Bureaucratic State
FGKL	Authoritarianism	Authoritarian State
GHJK	Totalitarianism	Totalitarian State
HIJ	National-Bolshevism	National-Bolshwik State
I	Totalism	Total State
AEM	Liberal Triangle	
EIM	Authoritarian Triangle	
AEI	Paternalism	
AIM	Maternalism	

Table 9: Specific Ideology in the Ideological Carreau (Source: Ilievski 2025a)

Ideology/Type of State	Left Variant	Right Variant
Anarchism/Stateless Society	/	/
Voluntarism/Ultra Minimal State	/	/
Classical Liberalism/Minimal State	Bleeding Heart Libertarianism/ Minimal Welfare State	Conservative Liberalism/ Conservative Minimal State
Modern Liberalism/ Liberal Democracy	Welfare Liberalism/ Liberal Welfare State	National Liberalism/ National Liberal State
Etatism/Centralized Bureaucratic State	Welfarism/Welfare State	Nationalism/Nation-state
Authoritarianism/Authoritarian State	Socialism/Socialistic State	Fascism/Fascist State
Totalitarianism/Totalitarian State	Communism/Communist State	Nazism/Nazi State
National Bolshevism/National Bolshevik State	/	/
Totalism/Total State	/	/

Developing the Overton Window of the State's Role in Society

The overall Overton Window on the state's role in society consists of 5 distinct windows. Each window spans 0.8 units on the y-axis, totaling four units corresponding to the vertical length of the Ideological Carreau. The two extreme windows are labeled as Radical, covering ideas considered extreme, undesirable, and impractical for socio-political organizations.

All the windows are represented in Figure 3 and Table 10. The Sensible windows are closer to the center of the overall window, representing ideologies deemed sensible but still acceptable within public discourse.

Finally, the Overton Window of the state's role in society contains popular ideas in public opinion. It has the greatest potential to be transformed into public policies and/or to challenge social institutions. Ideological change involves shifting the overall window within the Carreau and pushing the sensible toward the Overton Window while increasing the likelihood of these ideas influencing social change and becoming policy.

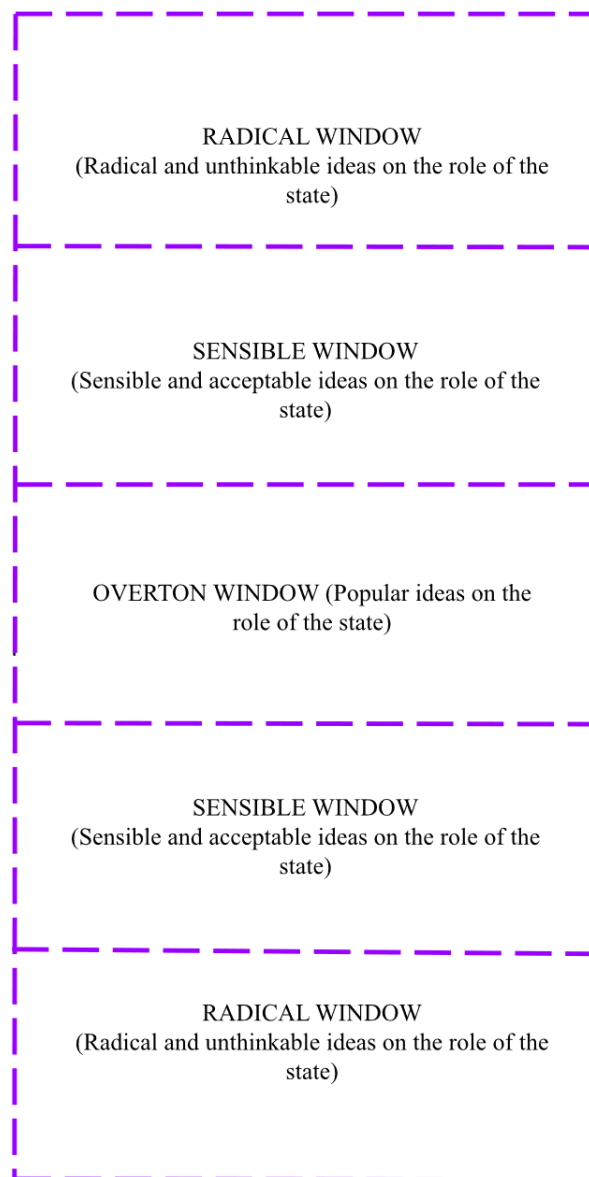


Figure 3: The Overton Window and the State's Role in Society (Ilievski 2025a)

Table 10: Important Points in the Ideological Carreau (Source: Ilievski 2025)

The Overton Window of the State's Role in Society			
Overall Window	Ideas Through Public Opinion	Vol. x Units (5x0.8 = 4)	Location
Radical Window	Unacceptable, Radical	2 x 0.8 = 1.6	Extreme
Sensible Window	Sensible, Acceptable	2 x 0.8 = 1.6	Toward the Center
Overton Window	Popular	1 x 0.8 = 0.8	Central

ENGAGING CITIZENS: THE ONLINE QUIZ ON THE STATE'S ROLE IN MACEDONIAN SOCIETY

The research employed an online political quiz or evaluation form comprising 28 statements concerning the state's role in Macedonian society (as presented in Table 11). These statements are organized into seven groups, each corresponding to one of the seven functions of the state in society.

Table 11: Reassessing the State's Role in Contemporary Macedonian Society (Source: Ilievski 2025a)

STATEMENTS	
The Spiritual and Identificational Functions of the State	
1	The state is an expression of our identity.
2	I am indifferent toward the flag and the anthem.
3	I am always ready to give my life for my fatherland.
4	A stateless society is possible and would be more just and useful.
5	The state is above everything.
The Security and Judicial Functions of the State	
6	More police, less justice.
7	Military service should be compulsory.
8	National security is always more important than human rights.
9	Private courts for improved justice.
10	National borders should be eliminated.
11	I support the death penalty.

The Moral and Nurturing Functions of the State	
12	Pornographic movies should be banned.
13	Prostitution should be legalized.
14	All drugs should be decriminalized.
The Economic and Financial Functions of the State	
15	We need the nationalization of businesses for a stronger economy.
16	Public companies are the backbone of the economy.
17	The free market may not be ideal, but no better alternative exists.
18	Taxation is theft, and politicians are no different from criminals.
The Healthcare and Social Functions of the State	
19	Every human has an inherent right to basic food.
20	The government is the most effective organizer of the healthcare system.
21	I prefer to have control over my gross salary and benefits.
22	Freedom is more important than equality.
The Educational and Cultural Functions of the State	
23	The government should oversee children's education from their early years.
24	Public education is better than private education.
25	Education should not be mandatory.
26	Culture should not be funded with public money.
The Ecological Function of the State	
27	There is a need for severe punishment for environmental violators.
28	There is a need for free-market solutions to address ecological problems.

The statements can be categorized as either Libertarian or Authoritarian. Statements numbered 2, 4, 6, 9, 10, 13, 14, 17, 18, 21, 22, 25, 26, and 28 are Libertarian, while statements numbered 1, 3, 5, 7, 8, 11, 12, 15, 16, 19, 20, 23, 24, and 27 are Authoritarian.

Each statement is rated on a scale from 1 to 5: (1) Fully disagree; (2) Disagree; (3) Neutral; (4) Agree; (5) Fully agree.

Evaluating the libertarian statements using this scale positions respondents at different points on the vertical axis of the Ideological Carreau. A rating of 1 places them at the bottom (more authoritarian), while a rating of 5 places them at the top (more libertarian). The horizontal axis (left to right) is determined by the nature of the function, indicating whether the respondent's views align more with left-wing or right-wing ideologies. This method provides a structured approach to assess public opinion regarding the state's role.

Each statement is assigned a position on the Ideological Carreau, and the participant's final position is calculated as the average of all individual statement positions, reflected on both the x- and y-axes. The overall position on the Carreau and within the Overton Window concerning the state's role in Macedonian society represents the average of all respondents' positions.

Online Quiz

The quiz was created in the Macedonian language and published online on 19 August 2023, accessible at <https://ideoloshko-karo.firebaseio.com/> (see Figure 4). Initially, the quiz was developed to collect data for the author's doctoral dissertation titled: "Libertarianism, State, and Change: The Overton Window of the State's Role in (Macedonian) Society."

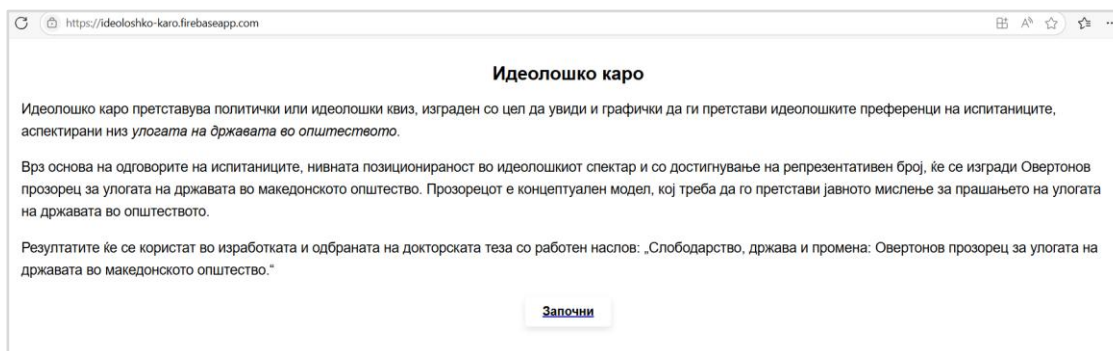


Figure 4: A Screenshot from the Online Quiz (Source: Author's creation)

The respondents were classified into seven categories based on the following criteria:

- **Age:** Below 17, 18 – 35, 36 – 55, 55 and above
- **Sex:** Female, Male, Other
- **Education:** High school, Bachelor's degree, Master's degree, PhD
- **Profession:** Public administration, Political leadership, Education, Business, Judiciary, Culture, Media, Healthcare, Finances, Hospitality, Student, Unemployed, Retired, Other
- **Salary:** Budget or Non-budget
- **Ethnic community:** Macedonian, Albanian, Turkish, Roma, Aromanians, Other
- **Place of living:** Urban or Rural area

Over two months, the quiz collected responses from 300 participants. The outcomes are presented in Table 12.

Table 12: Analysis of Outcomes by Category and Group (Source: Ilievski 2025a)

Category	Category Group	Respondent's Number	Total Percentage
Age	Below 17	0	0
	18 - 35	212	70.66
	36 - 55	61	20.3
	55 and Above	27	9
Sex	Male	175	58.33
	Female	122	40.66
	Other	3	1
Education	High School	64	21.33
	Bachelor Degree	160	53.33
	Master Degree	64	21.33
	PhD Degree	9	3
	Other	3	1
Profession	Public Administration	18	6
	Political Leadership	3	1
	Education	17	5.66
	Business	59	19.66
	Judiciary	16	5.33
	Culture	24	8
	Media	7	2.33
	Healthcare	19	6.33
	Finances	7	2.33
	Hospitality	11	3.66
	Student	15	5

	Unemployed	14	4.66
	Retired	5	1.66
	Other	85	28.33
Salary	Public Budget	68	22.66
	Non-Public Budget	232	77.33
Ethnic Community	Macedonian	262	87.33
	Albanian	12	4
	Turkish	2	0.66
	Roma	3	1
	Aroma	7	2.33
	Other	14	4.66
Place of Living	Urban Area	277	92.33
	Rural Area	23	7.66
All Respondents		300	100

Results

Over two months, the quiz gathered responses from 300 participants. The final position, Z, is located at coordinates $x = 0.0113$ and $y = 0.1416$, placing it within the ideological field of modern liberalism. The corresponding state type for this field is liberal democracy, as visually represented in Figure 5 and Figure 6.

Since Z falls specifically within the right-wing liberalism section, identified as national liberalism, the associated state type is a national liberal state.

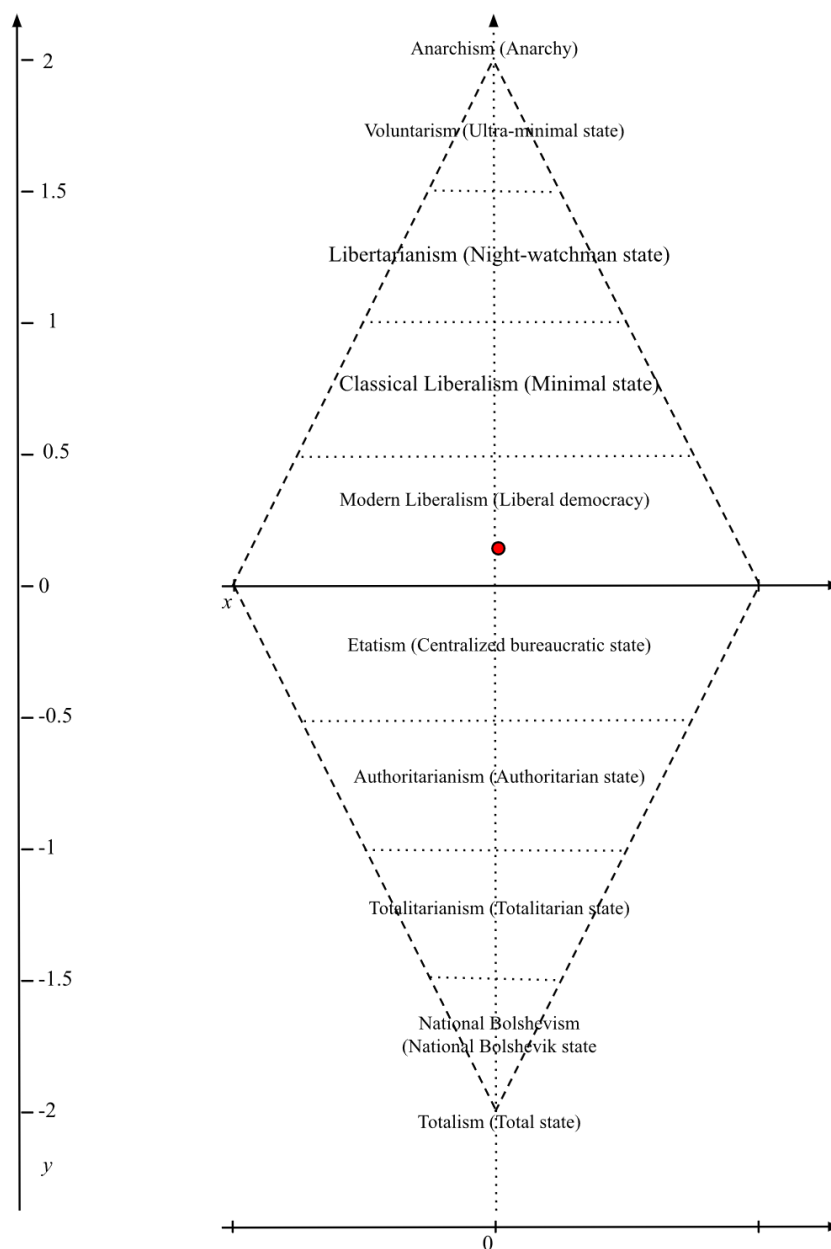


Figure 5: Final Position on the Ideological Carreau (Source: Ilievski 2025a)

The Overton Window spans 0.8 units, with each ideological field covering 0.5 units. This setup allows representing three ideologies and their corresponding state types within the window.

Alongside modern liberalism and its associated liberal democracy, two other ideologies are also present:

- Etatism, characterized by a centralized, bureaucratic state, holds a dominant position within the Overton Window, alongside modern liberalism.
- Classical liberalism, linked to the minimal state, plays a minor role in the window.

This configuration illustrates the range of ideological positions and the state types they correspond to within the Overton Window.

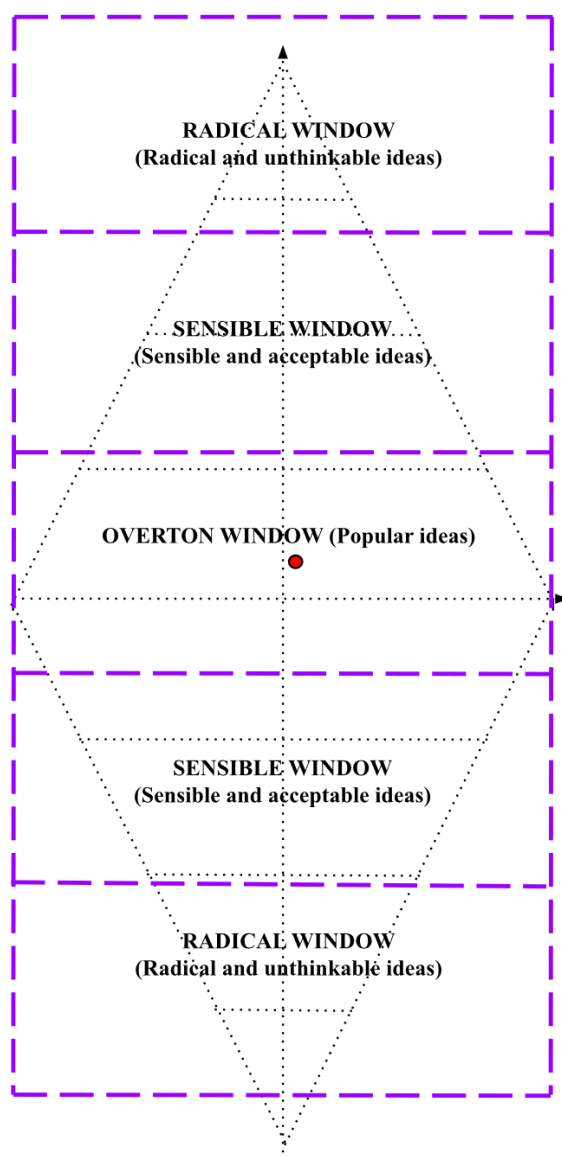


Figure 6: The Overton Window Applied to the Ideological Carreau (Source: Ilievski 2025a)

As part of the analysis, at least two relations between the Overton Window on the state's role in Macedonian society and the ideological/state fields can be distinguished.

Ideologies participating in the Overton Window is the first relation that shows the scale of ideology being part of the Overton Window of Political Possibilities. Alternatively, it simply shows the ideologies in the window. Modern liberalism participates with 62,5%, etatism with 32,3% and classical liberalism with 5,2% in the Overton Window of Political Possibilities.

$$\text{Ideologies Participating in the Overton Window (T)} = \frac{\text{Ideology units being part of the window}}{\text{Window's units}} \times 100\%$$

Ideologies corresponding to the Overton Window is the second relation that shows how much each ideology corresponds to the window. It shows how much of the ideology is being part of the window. Modern liberalism corresponds with 100%, etatism with 51.68% and classical liberalism with 8,32 of the Overton Window of Political Possibilities.

$$\text{Ideologies Corresponding to the Overton Window (R)} = \frac{\text{Ideology units participating in the window}}{\text{Ideology's units}} \times 100\%$$

The Overton Window covers a range of ideologies and their associated state types:

- Etatism, associated with the centralized bureaucratic state, occupies a portion of the window from $y = -0.2584$ to $y = 0$. This reflects the ideological support for a more centralized form of governance within the Overton Window.
- The largest portion of the Overton Window is occupied by modern liberalism and its corresponding liberal democracy state type, from $y = 0$ to $y = 0.5$. This indicates that the predominant ideology within the window is aligned with liberal democratic values and principles.
- The smallest portion of the Overton Window represents classical liberalism, which advocates for a minimal state, covering the area from $y = 0.5$ to $y = 0.5416$. This suggests limited support for the ideology of minimal state intervention within the window.

This distribution illustrates the relative prominence of different ideological fields in shaping the public perception of the state's role in Macedonian society.

The structure of the Overton Window primarily covers modern liberalism and liberal democracy, representing 62.5% of the window. This is followed by etatism and the centralized bureaucratic state, which account for 32.3%, and finally, classical liberalism and the minimal state, which contribute 5.2%.

On the other hand, when considering the contributions of each ideology to the Overton Window, modern liberalism accounts for 100% of the window, while etatism contributes 51.68%, and classical liberalism contributes 8.35%.

Both relations — ideological proximity and ideological conflict — are summarized in Table 13 and visually shown in Figure 7.

Table 13: The Overton Window: The State's Role and Ideological Fields (Source: Ilievski 2025a)

The Overton Window and the State's Role in Macedonian Society (-0,2584 to 0,5416)			
Ideology	Type of State	Ideology Percentage (%) Being Part of the Window (T)	Ideology Percentage (%) corresponding to the Window (R)
Modern Liberalism	Liberal Democracy	62.5	100
Etatism	Centralized Bureaucratic State	32.3	51.68
Classical Liberalism	Minimal State	5.2	8.32

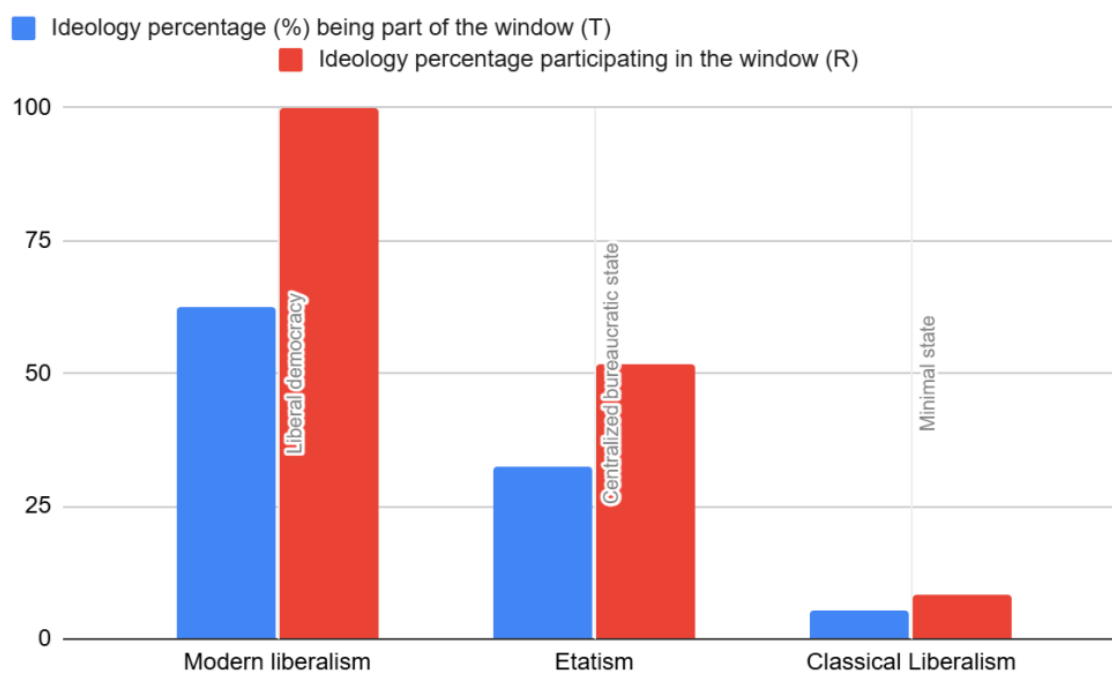


Figure 7: Ideology and the Overton Window (Source: Ilievski 2025a)

INTERPRETATION, APPLICABILITY AND RECOMMENDATIONS

The final quiz results, located at the coordinates ($x = 0.0113$, $y = 0.1416$), place the Overton Window slightly upward, signaling a stronger influence of ideologies within the liberal triangle. This positioning aligns with the conceptual model of liberal democracy. It suggests modern liberalism enjoys broad public support, particularly concerning social organization and the state's role. These findings indicate that the concept of liberal democracy and the ideology of modern liberalism are the most prevalent among the Macedonian public.

Within the Overton Window framework, social institutions reflect the dominant ideas within a society. Therefore, the alignment between public opinion and the ideological foundations of liberal democracy further reinforces the legitimacy of Macedonia's constitutional identity as a liberal democratic state. This outcome provides empirical support for the Overton Window model as a valid tool for analyzing the relationship between public opinion and institutional structure.

Concepts of Liberalism, Liberal Democracy, and the Minimal or Night-Watchman State

Modern liberalism, positioned at the lower part of the liberal triangle, forms the foundation of liberal democracies. These states, in principle, uphold human freedom, individual rights, and economic liberty. However, they also justify government intervention in the economy, education, healthcare, welfare, culture, etc. While liberal democracies implement all seven key state functions, they do so to a lesser extent than centralized bureaucratic states, which advocate for stronger government control (linked to the ideology of etatism).

Unlike centralized bureaucratic states, such as Bismarck's Germany, liberal democracies aim to limit government power through institutions like constitutions, checks and balances, and free elections. While these governments are theoretically limited, their real-world limitations are often challenged by practices like high public spending, heavy taxation, business regulations, and government expansion. One weakness of contemporary liberal democracies is that they often prioritize democracy over liberalism. Increased government interference in social and economic matters is justified by greater public participation in political decision-making rather than being criticized for undermining individual liberty and related values. A key thinker in modern liberalism is John Rawls, known for his theory of justice.

From a classical liberal or libertarian perspective, liberal democracies are associated with big government, threatening core liberal values such as individual freedom, equality before the law, and the rule of law. In contrast, the minimal state model focuses primarily on security and judicial functions, with limited justification for involvement in economic, financial, healthcare, social, educational, and cultural affairs. Prominent advocates of this model include Friedrich Hayek and Milton Friedman. A more restrictive version, the night-watchman state, is considered the ideal by libertarians. This model strictly limits the government's role to security and judicial functions, denouncing state interference in all other areas. Key proponents of this concept include Ludwig von Mises and Ayn Rand.

Social Change in Macedonian Society: Trends, Challenges, and Perspectives

Over the past years, the Republic of North Macedonia has experienced profound social transformations. Following World War II, the country achieved partial independence and adopted a centrally planned economic system as part of the broader Yugoslav socialist framework. This marked a radical departure from its earlier socio-economic structure, which involved features of feudalism and early-stage capitalism. However, this transformation was not gradual or peaceful — it was revolutionary, catalyzed by the post-war context and the rise of Tito's authoritarian and paternalistic regime. Key mechanisms of this shift included nationalization, collectivization, political repression, and economic instability, such as inflation.

A second major turning point occurred in 1991 when the country declared full independence as the Republic of Macedonia and began transitioning from a planned economy to a market-based capitalist system.

While ideological change is typically considered a prerequisite for social transformation, the Macedonian case, particularly the post-World War II transition, challenges this assumption. The ideological shift toward socialism was not driven by grassroots support or democratic processes but was imposed by a centralized and revolutionary political regime from the top down. This indicates that for ideological change to serve as a legitimate driver of social transformation, minimal democratic principles and mechanisms of public participation must be in place. The model that positions ideological change as the engine of social transformation is most applicable to democratic contexts where reforms are pursued through persuasion, public discourse, and institutional processes. However, the change in 1991, with gaining independence, was assisted by an ideological change or the support of the public for independence and liberal-democratic orientation.

From a liberal perspective, the current positioning of public opinion within the liberal triangle of the Ideological Carreau is encouraging, especially given Macedonia's collectivist historical legacy and its peripheral status in regional decision-making processes. This suggests a growing openness to liberal democratic norms and institutions. However, from a libertarian standpoint, the results highlight an ongoing need to strengthen ideological and social change. Despite some historical progress, deeper and more widespread shifts in public approach and institutional structures are necessary to fully realize a society grounded in individual liberty and limited government.

Recommendations for Advancing Social Change in Macedonian Society

According to the results of the political quiz, the Ideological Carreau analysis, and the Overton Window projection on the state's role in Macedonian society, ideological change is crucial for initiating a social change toward greater freedom. Implementing classical liberal or libertarian public policies is nearly impossible without first shifting public opinion and moving the Overton Window upward, positioning these ideas at its center. A greater adoption of freedom and related values among citizens of North Macedonia will influence a change in political elites and their approaches toward social organization.

A potential political change is expected to occur in two ways. The first would involve adopting values of freedom and related principles among the representatives of the current

political parties. This would mean shifting the party's leadership values and programs closer to classical liberal ideals. The second, though unlikely, would involve the establishment of a classical liberal or libertarian party that genuinely upholds the ideology's principles, attracts public support, and influences public policies toward greater freedom.

Assessing the Applicability of the Model

The empirical validation of the Overton Window of Political Possibilities conceptual model has significant practical implications. It allows for the positioning of public opinion on a particular idea or public policy and facilitates the assessment of these ideas based on public perception.

As key societal stakeholders, policymakers can leverage this empirical model to identify which ideas and corresponding public policies are widely supported by public opinion, helping them align their policy decisions with popular preferences.

Non-governmental organizations (NGOs) aiming to drive social change can also benefit from this model due to its ability to track shifts in public opinion. Specifically, liberty-oriented NGOs can use it to identify areas where ideological change is needed, shape public discourse, and assess where public support exists for social change, policy reforms, or institutional transformations.

CONCLUSION

The paper analyzes public opinion regarding the state's role in Macedonian society. The central research problem addresses ideological and social change dynamics, particularly in developing methodologies for tracking such shifts over time. The primary objective is to construct a reliable methodological tool for measuring public opinion and monitoring potential transformations. To collect the necessary data, an online political quiz is created. The responses are processed using arithmetic means to determine public opinion's central tendencies and position them within the Ideological Carreau.

The analysis reveals that public opinion toward the state's role is predominantly aligned with the conceptual model of liberal democracy and the ideology of modern liberalism. Within the Overton Window of Political Possibilities, social institutions reflect the dominant ideas within a given society. Therefore, the alignment between public opinion and the ideological foundations of liberal democracy reinforces the legitimacy of Macedonia's constitutional designation as a liberal democratic state. This outcome offers empirical support for the Overton Window model as a valid lens for analyzing the relationship between public opinion and social dynamics.

The study was based on two hypotheses: a main hypothesis and a specific hypothesis. According to the research, the Overton Window's central position on the state's role in Macedonian society lies within the left field of liberal democracy or the liberal welfare state. Both hypotheses were tested: the main hypothesis was fully supported, while the specific hypothesis was entirely rejected.

From a liberal perspective, the current positioning of public opinion within the liberal triangle of the Ideological Carreau is promising, especially considering Macedonia's collectivist

historical legacy and its peripheral status in regional decision-making processes. This suggests an increasing openness to liberal democratic values, norms, and institutions. However, from a libertarian standpoint, the results underscore the ongoing need for ideological and social change. Despite some historical progress, deeper and more widespread shifts in public opinion regarding institutional structures are required to fully establish a society based on individual liberty and limited government.

The limitations of this study include the relatively small number of respondents, which does not constitute a representative sample. Another limitation is the lack of a defined timeframe for tracking shifts in public opinion. Nonetheless, this study is significant in identifying which ideas and public policies currently fall within the Overton Window, and it provides a valid empirical model for monitoring further ideological shifts. By offering a structured approach to measuring public opinion, this research presents policymakers, scholars, and civil society actors with a valuable tool for assessing a society's capacity for change.

CONTRIBUTOR

The author contributed solely to the intellectual discourse that forms the foundation of this article, as well as its writing and editing, and assumes full responsibility for its content and interpretation.

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REFERENCES

1. Blundell, John. 2015. *Waging the War of Ideas*. UK: The Institute of Economic Affairs, available at: <https://iea.org.uk/wp-content/uploads/2016/07/Blundell-interactive.pdf>
2. Boettke, Peter J. and Boettke. 2005. "Anarchism as a Progressive Research Program in Political Economy". *Anarchy, State and Public Choice* pp. 206-219. USA: Edward Elgar Publishing
3. De Jasay, Anthony. 1998. *The State*. USA: Liberty Fund
4. Doherty, Brian. 2007. *Radicals for Capitalism: A Freewheeling History of the Modern American Libertarian Movement*. USA: Public Affairs
5. Hart, David M. 2015. "Entrepreneurs, Investors, and Scribblers: An Austrian Analysis of the Structure of Production and Distribution of Ideas". *David Hart's Web*, available at: http://davidmhart.com/liberty/Papers/StructureProductionIdeas/DMH_StructureProductionIdeas21Oct2015.html
6. Hayek, Friedrich. 1949. "The Intellectuals and Socialism". *The University of Chicago Law Review (Spring 1949)*, pp. 417-420, 421-423, 425-433. Chicago: The University of Chicago Press, available at: https://cdn.mises.org/Intellectuals%20and%20Socialism_4.pdf;
7. Ilievski, Nikola. 2025a. *Libertarianism, State, and Change: Overton Window of State's Role in (Macedonian) Society* (PhD dissertation). Skopje: Ss. Cyril and Methodius University in Skopje (UKIM), Iustinianus Primus Law Faculty, Department of Political Science
8. Ilievski, Nikola. 2025b. "What is the Overton Window? (And why is it important for liberty?)". *Learn Liberty*. USA: Students for Liberty, available at: https://www.learnliberty.org/blog/what-is-the-overton-window-and-why-is-it-important-for-liberty/?fbclid=IwY2xjawl0L35leHRuA2FlbQlxMQABHaCl8fR2BST71zduKgZpv42UVX9MrSpJFFDDfyf7b9nStvgick1TT1CCaw_aem_XLh9lCm4jtjYXvHVFwVRRRA
9. Ilik, Goran. 2012. *EUTopia: The International Political Power of the EU in the Process of Ideologization of the Post-American World*. Bitola: Grafoprom
10. Mackinac Center for Public Policy. 2019. "Overton Window of Political Possibilities." USA. Available at: <https://www.mackinac.org/OvertonWindow>
11. Mises, Ludwig von. 1998. *Human Action: A Treatise on Economics, Scholar edition*. USA: Ludwig von Mises Institute, available at: <https://cdn.mises.org/files/2024-09/Human%20Action.pdf>
12. Mises, Ludwig von. 2009. *Liberty and Prosperity*. USA: Ludwig von Mises Institute, available at: https://cdn.mises.org/Liberty%20and%20Property_3.pdf
13. Oppenheimer, Franz. 1921. *The State: Its History and Development Viewed Sociologically*. USA: B. W. HUEBSCH, INC, available at: https://cdn.mises.org/The%20State%20Its%20History%20and%20Development%20Viewed%20Sociologically_2.pdf
14. Rothbard, Murray. 1978. "Strategies for a Libertarian Victory". *Libertarian Review, Vol. 7, no. 7, pp. 18-24, 34*. USA: Cato Institute, available at: <https://www.libertarianism.org/sites/libertarianism.org/files/magazine-pdf/8-1978.pdf>

15. Rothbard, Murray. 1990. "Concepts of the Role of Intellectuals in Social Change Toward Laissez Faire". *Journal of Libertarian Studies*, vol. 9, no. 2'. Ludwig von Mises Institute, available at: https://cdn.mises.org/9_2_3_0.pdf
16. Sarkanjac, Vladimir. 2009. *Ideology and the Individual*. Skopje: Makavej, available at: <https://makedonija.rastko.net/cms/files/books/4c292ac54d2ba.pdf>
17. Stringham, Edward & Hummel, Jeffrey Rogers. 2010. "First, Ideological Change; Second, Social Change". *Quarterly Journal of Austrian Economics*, vol. 13, no. 2. USA: Ludwig von Mises Institute, available at: <https://mises.org/mises-daily/first-ideological-change-second-social-change>
18. Weber, Max. 1949. *Politics As a Vocation*. USA: Oxford University Press.
19. Zwolinski, Matt & Tomasi, John. 2023. *The Individualists: Radicals, Reactionaries, and the Struggle for the Soul of Libertarianism*. USA: Princeton University Press



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Consular Protection in Crisis: Vietnam's Response During the COVID-19 Pandemic

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Abstract

Consular protection represents a core function through which states uphold their responsibilities and deliver essential services to citizens residing or traveling abroad, particularly during times of crisis. The COVID-19 pandemic posed unprecedented challenges to these efforts, testing the capacity of governments worldwide. Vietnam, despite being a middle-income country with limited resources, mounted an effective response to protect its citizens overseas. This article presents Vietnam's experience as an instructive case study, analyzed through the lens of Tindall and 't Hart's general analytical framework for consular protection in emergency situations. The findings highlight the importance of adapting existing theoretical frameworks to better reflect the constraints faced by developing countries and to address the complexities introduced by globally disruptive crises.

Keywords

Consular Protection; COVID-19; Vietnam; Emergency Response Framework; Crisis Management; Developing Countries; Middle-Income Countries

INTRODUCTION

The function of a consul can be traced back to the emergence of resident ambassadors during the European Renaissance period, and was institutionalized by many European states in the early modern period. From the 19th century onwards, the consulate and its officials were firmly positioned and associated with the various European diplomatic corps and were mainly tasked with promoting commercial interests (Jestin 2020). The consular institution also developed in Asia (China, Japan, etc.) "to oversee the trade and navigation of their state and to protect their commercial interests" under pressure from the West (Isufi 2020, 89). The development of international travel and globalization in the last decades have led to a fast and significant growth in demands for consular services, with the functions of consular services evolving also to include various dimensions of the individual security of a country's citizen, such as health, livelihood, and fundamental rights (Bhalla n.d.; Melissen 2020a).

Consular protection is a matter of global governance that requires the cooperation of all nations. As consular activities intersect with foreign policy, they evolve into consular diplomacy, which becomes especially critical during large-scale emergencies. In such scenarios, consular diplomacy entails strategically coordinating responses within governments and external partners by leveraging established networks while remaining agile enough to seize new opportunities for collective action. When crises affect multiple countries at once, effective collaboration is crucial, demanding collaboration "to detect emerging threats, share information about unfolding



events, arrive at joint decisions under time pressure, coordinate shared resources, and communicate effectively and preferably with one voice" (Birka et al. 2022).

The study of consular policy and practice has become a topic of growing scholarly interest. In the European context, for example, several authors have examined the strengths and critical aspects of the EU's consular performance and crisis management in third countries (Forni 2012; Porzio 2008). A report commissioned by the Netherlands House of Representatives in 2019 examined how seven developed countries have organised and implemented their consular services, including policy and legal framework, the organization of consular networks, travel advice, and support to distressed citizens in crisis (Hoorens et al. 2019). The report then outlines several ways in which the Dutch government can improve these services. In the Asian context, Chinese researchers have also turned their attention to how their government assists the huge number of overseas Chinese citizens (Xia 2005). In Vietnam, the topic of consular protection often appears in the form of news and internal reports from the Ministry of Foreign Affairs (MFA).

Such previous research highlights operational consular functions – policy frameworks, network organization, and citizen support that were central to the consular work and lessons for effective responses. However, a gap remains in perceiving how those elements function within Vietnam's institutional and political context, particularly under the unprecedented challenges of the COVID-19 pandemic. Moreover, no study has thoroughly analyzed how Vietnam's unique legal mandates and inter-agency coordination mechanisms shaped its consular crisis response under the unprecedented pressures of a global pandemic like COVID-19. The paper thus seeks to resolve the gap by systematically examining how Vietnam shaped its pandemic-era crisis response, contributing experiences for future global health emergency management.

Although generic guidelines stating the mandates and responsibilities of government are available and accessible to citizens in almost every country, many countries lack a national policy framework for major consular emergencies (Tindall and 't Hart 2011). Accordingly, Tindall and 't Hart have proposed a crisis management framework designed to facilitate governments' active response to large-scale events and help guide the treatment of specific consular cases. The framework provides a systematic approach to citizen protection designed to guide the actions of specialized agencies at each stage of a given crisis, allowing, as well, the development of a policy learning capacity.

Of all the case studies of consular crises examined in that study (the 2002 Bali bombings, the 2004 tsunami in Southeast Asia, the 2006 Lebanon war), none compares to the challenges posed by the global health crisis triggered by COVID-19 pandemic, in terms of political urgency, social emergencies, geographic diversity, and multidimensional nature.

The COVID-19 pandemic is a political problem as much as it is a public health crisis. Domestic politics has become a testing ground for how governments prepared for and responded to this crisis. Observing different government responses to the outbreak, it is clear that technical decisions require political decisions about who should be consulted, who should provide advice, which models should be used, what policies should be implemented, how such policies should be enforced, and who should be trusted in the international arena. At the international level, the World Health Organization (WHO) is operating in an increasingly divisive political environment, with proxy battles being waged within these institutions between member states, for example, China and the United States. The politics of orchestrating the multiple

demands and expectations of states within one international organization is vital to effective management of COVID-19 (Davies and Wenham 2020). Not only did it present a novel type of emergencies and challenges, but consular performance also must be examined in the context of developing countries. When large-scale events affect their nationals, the demands placed on embassies and consulates are likely to overwhelm the limited capacities of their foreign ministry.

This study uses the case of Vietnam in order to (i) illustrate the specific challenges that countries such as Vietnam face, (ii) how it has responded to the crisis, and (iii) what theoretical and empirical lessons could be drawn from this experience regarding the adaptation of consular practices to uncertainties. The aim, through this case, is to examine the effectiveness and potential adjustment of Tindall and 't Hart's framework, both within the context of the emergence of complex and unpredictable global security challenges and in terms of its applicability to countries with limited resources, including developing and middle-income countries.

This paper conducts a qualitative content analysis of Ministry of Foreign Affairs documents, including press releases, policy directives, and internal reports, to trace how Vietnamese authorities govern citizen support throughout the COVID-19 pandemic, and evaluates their activity and efficiency in light of Tindall and 't Hart's framework. Data come from detailed reports of citizen protection from the Vietnam government and Vietnam's Ministry of Foreign Affairs (MFA), insights from other major countries' consular practices, and interviews with consular officers in the field and MFA officials. The early stages of a crisis are usually regarded as the most difficult, trying and confusing time, as governments attempt to understand the nature of the challenge they face. It is, therefore, a key indicator of a government's capacity to manage uncertainty. Accordingly, the case study of Vietnam will focus on the first wave of the pandemic (2020).

In brief, the Vietnamese MFA rapidly adapted its legal mandates and consular networks to deliver sense-making, information management, and environment-handling under severe pandemic conditions. Cross-agency task forces enabled swift and coherent decision-making and communication channels, while targeted measures such as prioritizing vulnerable citizens in quarantine and facilitating medical evacuations showed a bold commitment to individual support. The application of the Tindall and 't Hart framework to the case of Vietnam also underscores operational strengths and weaknesses while making room for improvement in meaning-making, especially with limited capacity on the ground and social distancing policies.

TINDALL AND 'T HART'S GENERAL FRAMEWORK FOR EVALUATING CRISIS MANAGEMENT

Consular protection is stipulated for the first time in Chapter I, Article 5 of the 1963 Vienna Convention on Consular Relations as follows: "Consular functions consist in: Protecting in the receiving State the interests of the sending State and of its nationals, within the limits permitted by international law" (United Nations 1963). The 2008 United Nations Document defined consular assistance as the assistance rendered by States to their nationals, and in some cases, to non-nationals (based on bilateral or multilateral agreements), including those who find themselves in difficulties in a foreign State (Dugard 2008).

Likewise, according to the definition adopted by the European Council, consular protection refers to help provided by a country to its citizens who are living or travelling abroad and in need of assistance, such as in cases of:

- arrest or detention
- serious accident
- serious illness or death
- natural disaster or political unrest
- loss of passport or travel documents (European Council n.d.).

Some organizations also linked the provision of consular protection to human rights. The 1985 UN Declaration on the Human Rights of Individuals who are not nationals of the country in which they live recognizes the right of an alien to communicate with the consulate or diplomatic mission of their sending State (UN General Assembly 1985). In addition, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW) establishes a human right to consular assistance, to which migrant workers and their families are entitled (ICRMW 2003).

Consular protection, however, does not rest there. It also encompasses a wide range of services provided by countries for their citizens residing or travelling abroad, such as regular notarial services, issuance of travel documents, provision of travel advice, and assistance during emergency situations abroad (Hoorens et al. 2019).

The framework developed by Tindall and 't Hart is a two-stage system that includes six crisis response functions, namely sense-making, decision-making, and meaning-making strategically, combined with information management, environment handling, and individual support in the ground, and respective performance indicators to "assess success and failure of consular emergency management efforts" (Tindall and 't Hart 2011). It offers a context-sensitive, multidimensional and strategic evaluation of government performance in large-scale consular crises, with a balance between theoretical basis and empirical grounding from cases like the Bali bombings and the Indian Ocean tsunami. The framework accommodates the jurisdictional constraints and logistical challenges of overseas emergencies while providing performance indicators that elevate accountability and transparency toward affected nationals. However, it is not presented as a checklist of sufficient conditions for a "successful" consular response and does not claim to be comprehensive (Tindall and 't Hart 2011, 139). Instead, it provides a way to break down the emergency response into measurable units and serves as a type of contingency for government (see Table 1).

Table 1: A General Framework for Consular Emergency Management (Source: Tindall and 't Hart 2011)

Key Crisis Response Functions	As Applied to Consular Emergencies	Indicators of Consular Emergency Response Performance
STRATEGIC		
Sense Making	A. Quickly and accurately establishing the magnitude and implications of a remote emergency	A1. Time lag between event occurrence and: (a) communication of the consular facet to senior central policymakers and among the foreign ministry; (b) implementation of up-scaled response procedures A2. Degree of reliability (relevance, accuracy, comprehensiveness) of information provision to policymakers
Decision Making and Coordination	B. Decision making about the extent of government involvement and coordination of a geographically remote response operation, as well as its domestic ramifications	B1. Timeliness and clarity of decisions regarding government support for citizens A2. Degree of reliability (relevance, accuracy, comprehensiveness) of information provision to policymakers
Meaning Making	C. Framing the events abroad for the domestic public and retaining/building credibility and trust in the government's response	C1. Timeliness and degree of high-level leader presence and engagement C2. Tone of media coverage of consular emergency operations and implementation of a government media strategy
OPERATIONAL		
Managing the Operational Environment	D. Conducting response operations in a foreign, sovereign country, and in an internationalized response environment	D1. Ability to gain access to, and coordinate with, host government(s) D2. Ability to coordinate with other foreign governments also involved in consular operations D3. Ability to coordinate with private and non-governmental actors involved in third countries' emergency responses
Managing Mass Information Flow	E. Processing the mass of incoming messages from and to the government and theatre of action, and managing the demand for information from the public	E1. Sufficiency of call centers and other forms of mass information collection E2. Ability to transfer information while handling personal data with sensitivity
Engaging Individuals in a Mass Event Context	F. Providing targeted, multifaceted support to affected citizens and their families at home	F1. Capacity for holistic individualized needs assessment and service provision F2. Stakeholder assessments of the quality of emergency assistance provision, frequency and 'severity' of individuals' negative feedback

The framework is a useful tool for dissecting how governments manage crises, especially those involving citizens abroad. Its strength is anchored in its multidimensional structure, which captures both the operational and communicative elements of crisis leadership.

By including both internal (sense-making, decision-making, coordinating) and external (meaning-making, account-giving) domains, the framework ensures that crisis management is not only about government responses but also their perception and analysis of crises. The holistic crisis timeline before (sense-making), during (decision-making, coordinating), and after (account-giving, learning) allows adequate time and adaptable phases of emergency response, places focus on situation analysis and sustainable and rational solutions, which later gains long-term institutional improvement and public trust.

THE CASE OF VIETNAM: CHALLENGES AND OPPORTUNITIES

Sense Making

Initial Awareness of the COVID-19 Pandemic

The World Health Organization first learned of the new coronavirus on December 31, 2019, following a report of a cluster of cases of “viral pneumonia” in Wuhan, China. WHO then recommended people avoid close contact, wear a mask, and get vaccinated. On March 11, 2020, due to alarming levels of international dissemination and severity, the WHO declared COVID-19 a global pandemic. With the rapid and worldwide surge in the number of cases, governments had already started imposing such measures as social distancing, bans on mass gatherings, frequent wearing of masks, curfews, strict restrictions on entry and exit, and widespread lockdowns (World Health Organization 2021a). By April 18, 2021, the number of cases worldwide exceeded 140 million, including over three million deaths. The three hardest-hit countries were India (1,429,304 new cases, 64% increase), the United States (477,778 new cases; 2% increase), and Brazil (459,281 new cases; 1% decrease) (World Health Organization 2021b).

During the first wave of the pandemic, Vietnam presents the case of a small country attempting to use its limited resources flexibly and tactically so as to conduct protective measures for its citizens abroad. While broadly adopting Tindall and ‘t Hart’s framework of consular protection in emergencies, Vietnam adjusted its response strategies and actions in ways that may prove relevant to developing and middle-income countries, in general.

The Consular Department (CD) of Vietnam’s Ministry of Foreign Affairs (MFA) has the main responsibility for consular services.¹ In particular, the CD “supports the protection of the state’s interests, the legitimate rights and interests of Vietnamese citizens abroad” (Ministry of Foreign Affairs 2014), notably through Vietnamese Overseas Missions (including embassies and consulates).

Consular assistance has been thoroughly and comprehensively examined in a study conducted by the Consular Department (CD) of the Ministry of Foreign Affairs (Ministry of Foreign Affairs 2018). Using Tindall and ‘t Hart’s framework, the study provides an in-depth analysis of Vietnam’s policies and actions in support of overseas nationals during major past events. It offers a series of specific policy recommendations.

Building on this framework, Vietnam’s Consular Department developed a more detailed model incorporating risk calculations. When Vietnamese citizens are likely to be affected by an adverse event, the Department is expected to assess the severity and potential harm to nationals abroad—categorizing the risk as low, medium, or high—prior to implementing appropriate protective measures. Given the limited scope of Vietnam’s consular network and the shortage of technologically equipped diplomatic staff, this initial quantitative assessment serves as a critical tool to guide Vietnamese authorities in selecting suitable crisis response strategies and ensuring the reasonable and equitable allocation of resources for citizen protection.

¹Decree No. 123/2016/ND-CP dated September 1, 2016, defines the functions, tasks, powers, and organizational structures of ministries and ministerial-level agencies.

Evaluating Citizens' Risk Levels

From Vietnam's viewpoint, the level of vulnerability and appropriate support accorded to citizens abroad should be based on the degree of risk or the direct impacts of a given crisis on Vietnamese citizens. The risk level correlates positively with the scale of the crisis and the vulnerability of citizens, and negatively with the response capacity of the relevant agencies, as expressed in the following formula (Ministry of Foreign Affairs 2018):

$$\frac{\text{The scale of the crisis} \times \text{Vulnerability}}{\text{Capacity of the local authority}} = \text{Level of risk to citizens}$$

Table 2: Calculation of Scale, Vulnerability, and Capacity (Source: Ministry of Foreign Affairs 2018, 73)

Criteria Level	Scale	Vulnerability	Capacity
Low (1 Point)	The number of people affected remains low	Vietnamese citizens will probably be affected	The host country is underdeveloped, where the state is weak and military conflicts, civil war or large-scale crises occur
Medium (2 Points)	Dozens of people were injured	There is specific information on how Vietnamese citizens are affected	- The receiving country is a developing one - Vietnam's diplomatic missions are far from the location of the crisis
High (3 Points)	- Negative impacts in many areas - The number of casualties is high (hundreds of people) and increasing - Major property damage	Severe impact on Vietnamese citizens' lives	- The host country is developed - Full establishment of missions with abundant human resources and the ability to provide timely rescue

After assessing the risk level to citizens, the government—especially its missions—can identify the type of crisis (low risk level to citizens: below 3; medium risk level: from 3 to below 6; and high risk level: from 6 to 9) and accordingly prioritize resources and develop an appropriate response plan (Ministry of Foreign Affairs 2018).

Using this method, the scale of the COVID-19 pandemic should be set at the highest level, 3 points. Regarding vulnerability, most regions severely affected by the pandemic—such as the US, Europe, India, and Southeast Asia—host large numbers of Vietnamese citizens. Therefore, the vulnerability level is also 3 points. Furthermore, Vietnamese diplomatic missions, staffed with sufficient and well-trained officials, are present in nearly all areas affected by COVID-19. However, due to social distancing policies in these third countries, officials found it difficult to approach citizens. Thus, the capacity of local authorities should be rated between 1 and 1.5 points.

$$\frac{\text{The scale of the crisis} = 3 \times \text{Vulnerability} = 3}{\text{Capacity of the local authority} = 1 \text{ to } 1.5} = \text{Level of risk to citizens} = 6 \text{ to } 9$$

This situation indicated a high level of risk for Vietnamese citizens abroad, necessitating timely policies and actions to ensure their safety and well-being. As part of the global response to the COVID-19 pandemic, many states and territories closed their borders, and airlines

suspended international flights. Amid national lockdowns and travel restrictions, numerous Vietnamese citizens—whether traveling for business or leisure, or working abroad—experienced significant confusion and anxiety over their inability to return home. In response, the CD requested that the authorities of third countries create favorable conditions for Vietnamese citizens, including visa extensions and access to medical care in the event of infection. Simultaneously, it coordinated with other ministries and sectors to formulate a comprehensive repatriation plan. The need for protection was both extensive and urgent.

Vietnamese migrant workers account for the majority of overseas citizens with the greatest need. Most are young men and women from rural areas who obtain low-skilled employment in manufacturing, construction, agriculture or housework via both formal and illegal channels (International Labour Organization 2019). According to Vietnam's Ministry of Labor, Invalids and Social Affairs, by June 2020, over 5,000 Vietnamese workers were forced to return home due to the impacts of COVID-19; either their contract had expired or they were sick or pregnant, or they were unemployed due to factory closure or staff cutbacks (Ngan Anh 2020). Unless a way were found for them to go home, they would become illegal residents in their host countries. In addition, many Vietnamese students had to fly home because universities had closed and turned to distance learning. The great number of requests of all types, as well as the diversity of the local situations, presented a significant challenge in terms of communication and repatriation logistics.

Decision-Making and Coordination

Whenever an event occurs that requires the mobilization of the resources of the whole government, administrative guidance documents (decrees, directives, circulars) become vital to ensure the sustained and coherent implementation of policy. In addition to steps taken following the framework, consular responses were also guided by directives from the Prime Minister's office and by supporting documents released by other ministries. By September 2020, the MFA had issued to missions 26 diplomatic notes on Vietnam's guidelines, policies and measures of COVID-19 prevention. However, multiple executive orders were issued during the early days of the pandemic, causing confusion among citizens and consular staff.

As soon as the first wave of COVID-19 appeared, a National Steering Committee for COVID-19 Prevention and Control was established, which later provided medical consultation for the MFA during the process of citizen protection. Overseas diplomatic missions taking charge of consular cases in the field were also asked to follow local policy and to urge Vietnamese citizens to comply with COVID-19 preventive measures.

Meaning Making

In the first wave of the pandemic, the MFA quickly posted five newsletters related to the situation of the Vietnamese in China on the web portal of the Consular Department, covering initial consular activities implemented by the MFA, the delivery of relief supplies to China, and the repatriation of Vietnamese from Wuhan, along with The World and Vietnam Report. The MFA's spokeswoman also addressed questions of concern on citizen protection in the context of her regular press conferences on the impacts of COVID-19 on foreign affairs (Ministry of Foreign

Affairs 2020, 2). By July 2020, the MFA had addressed over 100 questions from domestic and foreign media while publishing 60 newsletters and travel recommendations targeting citizens overseas. For instance, in Cambodia, amid rapidly climbing numbers of infections, the Vietnamese embassy asked Vietnamese citizens to follow the Cambodian government's preventive guidelines and not seek to return illegally to Vietnam (Consular Department 2021).

Managing the Operational Environment

As the domestic COVID-19 situation tended to stabilize, the heads of the MFA chaired inter-agency meetings to develop a repatriation plan that followed Vietnam's health and containment guidelines. The MFA also held virtual talks with such strategic partners as Japan, China, Korea, Laos, Cambodia and Singapore, discussing travel preferential regulations and the resumption of commercial flights in order to boost economic resilience, share experience and good practices, and create favorable conditions for citizens to return home (National Steering Committee of COVID-19 Prevention and Control 2020).

Managing Mass Information Flows

According to reports from 81 Vietnamese missions worldwide, by September 17, 2020, 68,450 citizens had registered to return home. They were mainly located in Asia (especially ASEAN countries) (36,124), the Americas (16,125), Europe (5,511), Australia (2,698), and the Middle East and Africa (2,060) (Consular Department 2020, 1). The hotlines of the Consular Department, embassies, and consulates accepted citizens' requests for assistance 24/7 and provided quick responses or advice on specific cases (Thuy Dung 2021).

News reports were issued regularly, particularly regarding infection rates. With the increasing reduction and delay of flights due to a surge in cases globally, the MFA kept nationals on waiting lists informed about changing repatriation schedules (Consular Department 2020).

Engaging Individuals in a Mass Event Context

Support in the Field

In the first wave of COVID-19, flights to Vietnam were temporarily suspended, leaving many visiting Vietnamese stranded abroad. Vietnamese missions coordinated with the receiving countries' authorities to promptly provide essentials for citizens who are most in need. For example, in Cambodia, diplomatic officials delivered emergency relief including food, clothing and medical equipment to households in quarantine. The missions also asked Cambodian authorities to provide timely medical treatments for citizens infected with COVID-19.

Organization of Repatriation Flights during the COVID-19 Pandemic

Right from the beginning, a repatriation plan was taken into consideration. Following reports and recommendations of the MFA, the Prime Minister (PM) issued an official directive for the approval of repatriation flights for Vietnamese citizens. He then nominated Deputy Prime

Minister of Foreign Affairs, Pham Binh Minh, to chair an inter-ministerial committee and make sure that the repatriation of citizens took place in a timely and orderly fashion and that quarantine facilities were in place as soon as they landed in Vietnam (Ministry of Foreign Affairs 2020). Under the direction of the Prime Minister, the Ministry of Foreign Affairs (MFA), in coordination with relevant ministries, implemented the repatriation plan for citizens based on the following order of priority: (i) students; (ii) seniors (over 60); (iii) people receiving medical treatment abroad and having underlying medical conditions (diabetes, heart disease, cancer); (iv) labors with expired visas and tourists (Consular Department 2020). The repatriation of citizens has been one of the most complex and challenging aspects of the response. The CD outlines six specific steps, as presented in Table 3.

Table 3: Repatriation Plan (Source: Ministry of Foreign Affairs 2020, 4)

Steps	Responsibilities of the Consular Department
Step 1	Contact missions to get the number of citizens requesting to return home.
Step 2	Draft a plan for the repatriation of citizens, estimating the number of flights needed.
Step 3	Clear the plan with the senior leadership of MFA, who will then draft a note to the National Steering Committee for discussion, before submitting it to the PM.
Step 4	After approval by the PM, the Consular Department is to send an official request to the relevant agencies to develop a detailed flight plan (including quarantine locations)
Step 5	Inform missions of detailed flight plan; request missions to make a list of eligible citizens, to be sent to the Consular Department for approval.
Step 6	<ul style="list-style-type: none"> - Examine the list and respond to the embassy - Inform relevant agencies of the weekly flight plan - Missions send a list of the actual number of citizens on each flight to the Immigration Department - Send flight information to the Press Department to develop a newsletter relating to consular protection

The detailed plan, which was examined and approved by the PM, indicates the government's deep involvement in the implementation of repatriation. This also reflects the centralization of power and policy-making in Vietnam that enables prompt, responsive actions and flexibility in emergency situations. However, the selection process remained unclear, specifically regarding the specific criteria used for prioritizing requests. This created confusion among nationals applying for repatriation, resulting in cumbersome procedures and opening the door to corruption.

The repatriation of stranded citizens required coordination among various ministries, municipal authorities, and sectors. For example, the Ministry of Transport directed the Civil Aviation Authority to issue flight permits for flights approved by the CD. The Ministry of Defense oversaw the arrangement of military isolation centers. Meanwhile, the Ministry of Health provided the detailed medical guidelines of COVID-19 prevention and control for citizens (National Steering Committee of COVID-19 Prevention and Control 2020).

Due to an increasing number of citizen requests, the PM promulgated Directive 982 on April 10, 2020, laying the groundwork for citizen protection amid COVID-19. By September 17, 2020, the MFA had operated over 136 flights from about 50 countries or territories, bringing 35,483 citizens back home. It is estimated that 51.2% of citizens who had filed a request were successfully repatriated by September 2020. Between April 2020 and 2021, 397 flights were operated to bring over 105,504 citizens home from 59 countries and territories (Consular Department 2021, 6-7).

REVISITING TINDALL AND 'T HART'S FRAMEWORK

Despite the comprehensiveness of Tindall and 't Hart's framework, the case of Vietnam helps identify two major limitations to its usefulness.

The first limitation pertains to national and consular capacities. Tindall and 't Hart's policy framework provides governments with an ideal template for preparedness and rapid response. Most developing countries, however, have very limited resources and capacity when it comes to citizen protection in regular times, let alone in the context of large-scale crises.

Missions had limited human resources and lacked specialized staff, even in areas with a large concentration of Vietnamese migrant workers, where needs were particularly acute. Many missions are also located far from where citizens need help. In addition, since testing and centralized quarantine facilities in Vietnam itself were at risk of being overwhelmed, with the risk of adding ever more stress on the public health system, the repatriation plan was delayed when Vietnam experienced a second wave of infections in late 2020, leaving a great number of Vietnamese workers stranded.

Given that the efficiency of consular protection is associated with the capacity of missions on the ground as well as resources available, capacity-building and consular network management were key solutions at that time. Lack of first-hand experience in problem-solving skills in emergency situations delayed the response. Where there is sparse Vietnamese representation, a network of honorary consuls is needed to facilitate information exchange and immediate assistance in crisis.

Apart from logistical and diplomatic preparations, financial issues were particularly challenging. Vietnam has its Fund for Assisting Overseas Vietnamese Citizens and Legal Entities (FAOV), established by the PM in 2007, managed by the CD, and financed mostly by the state as well as donations from individuals and organizations. The fund's main aim is to provide financial support for citizens in grave situations, including food, travel allowance, temporary accommodation in the host country, and the provision of other necessities. In case of emergencies (war, natural disasters, epidemics, terrorist attacks) requiring intense protective measures, namely repatriation, the Vietnamese Overseas Missions will report to the CD for consideration and the final decision will be made on a case-by-case basis. The FAOV is used to cover parts of citizens' costs or make advance payments. Regulations on the use of the fund remained unchanged following its creation, which greatly limited the capacity to help citizens when waves of COVID-19 infections swept through, and national policies stranded huge numbers of citizens (Ministry of Finance Electronic Information Portal 2013; Consular Work Portal 2011).

The second limitation stems from the rise of new global disruptive events. While the framework has been used in different types of crises, complex and unpredictable threats to global security (such as the rise of terrorism, mass, environmental disasters, or pandemics), present new challenges to deliver protective functions when uncertainties abound regarding the origins, nature and impacts of the threat, and when "physical and jurisdictional 'distance' complicate the elementary processes of emergency response" (Tindall and 't Hart 2011). Although this challenge has always existed, it has taken on new dimensions due to the sheer magnitude of recent disasters, both in terms of the populations and territories affected and their broader implications within an increasingly globalized and interdependent international system.

A critical question arises: how should scarce resources be allocated when the needs are shared across multiple consular posts rather than concentrated in a single location?

Moreover, the global nature of such crises often means that the home country is simultaneously affected, further complicating efforts to provide support to nationals abroad and organize their repatriation. A third challenge lies in the multidimensional character of these crises. The COVID-19 pandemic, for instance, was not only an unprecedented health emergency but also an economic, social, and, in some regions, political crisis. In the case of Vietnam, the pandemic's exceptional severity posed numerous challenges for consular assistance. A particularly pressing issue was the large number of nationals requiring support after losing their employment or facing violations of local immigration laws due to expired visas. Data provided by the Department of Overseas Laborers showed that 80,000 workers facing dismissal, mainly in Japan, Korea and Taiwan, by mid-2020, had already registered for repatriation flights. The Vietnamese government was also under increasing pressure from foreign governments to return illegal citizens to their homeland.

Additionally, the organization of flights faced several problems, such as infected citizens accidentally carried on some flights (from Guinea and Uzbekistan), the difficulty of obtaining a flight rights (notably in the US, since there is no direct flight between the two countries), scattered pick-up locations in distance and quantity (Germany) (Ministry of Foreign Affairs 2020). Moreover, the imposition of social distancing presented diplomatic officials with quite a challenge when attempting to approach the Vietnamese nationals. Consular officers themselves were also susceptible to COVID-19 infection and were forced to self-isolate according to the regulations of the host country.

Although it has been established in the European context for traditional crises, the step-by-step application of the framework by Vietnam demonstrated the practicality and efficiency of the framework. Overall, Vietnamese authorities proceeded along the same sequence of stages outlined in the framework, beginning with timely warnings and advice issued by the government to relieve the sense of insecurity of stranded citizens, moving on to support for citizens in distress, and finally implementing a repatriation master plan.

More reactive approaches adopted by several other nations could be a reference point for Vietnam, given key differences in preparedness, communication, and citizen outreach. Baltic and Nordic countries used consular registers to estimate how many citizens might be impacted. Denmark, Finland, and Iceland demonstrated a proactive approach to consular protection in the early days, government aid being made available without citizens having to request it beforehand. Denmark, for instance, informed those abroad about the consular register and travel applications via SMS, then sent a targeted message to all Danish SIM cards worldwide with a link to the database and travel app, enabling further country-specific push notifications. This ensured that the vast majority of Danish citizens eligible for consular assistance received critical information about the emergency. Lithuania and Norway acquired mobile operator data but used it merely for internal decision-making without reaching out to offer help directly. Norway, for example, treats consular help as voluntary, where citizens must first submit their information to be contacted (Birka et al. 2022). The framework thus should be amended to better reflect the case of Asian emerging countries that combine spectacular social and economic dynamism with still limited (but growing) human and financial resources. As a middle-income country with limited economic resources, Vietnam developed a formula to help estimate

the risk level to citizens abroad during a turbulent period, thus helping the Vietnamese government to allocate resources more effectively. In the long run, a similar formula should be incorporated into the framework to make it applicable to developing countries.

The case of Vietnam offers several policy lessons for governments, particularly in the Global South. Early stages of sense-making and meaning-making through timely communication and public engagement can build trust and ensure citizens abroad are informed and aided. Coordinated decision-making across ministries and diplomatic missions enables rapid action, such as repatriation and emergency assistance. Also, institutional learning from past crises (e.g., SARS) helps enhance preparedness and resilience. Governments of developing and middle-income countries should advance digital consular tools, maintain updated citizen registries, and establish clear protocols for proactive outreach, even in the absence of prior individual requests. It is worth noting the importance of international cooperation in consular protection, where shared early-warning systems, communication platforms, and joint training exercises among foreign ministries could be set up to facilitate peer learning and resource pooling, especially for countries with limited capacity.

In addition, sub-plans, for example, on the distribution of essential aid to citizens in distress, on repatriation plans, and on coordination among consular posts might help facilitate the appropriation and implementation of the framework. Negotiation of prior agreements with key host countries would also be helpful, as would revisiting the training of consular personnel. As requests for help abroad often come from low-skilled and temporary laborers in large quantities, with limited resources, diverse occupations, and facing local language barriers, a non-Western theoretical framework should be proposed targeting middle-income nations like Vietnam.

CONCLUSION

Given the lack of studies on the consular practice of developing and middle-income countries during global-scale crises, especially the COVID-19 outbreak, the case study of Vietnam adds to our understanding of the theory and practice of consular protection in emergencies. Although developed in the context of non-global crises and based on the experience of developed countries, Tindall and 't Hart's framework proved its usefulness in helping Vietnam develop a systematic, focused, and policy-oriented model for not only evaluating but also identifying measures that should be taken during emergencies. It encourages governments to institutionalize lessons learned and formulate a programmed response rather than passive solutions for a one-time event. In essence, the Tindall and 't Hart framework not only facilitates crisis response, but it also reveals the governance capacity of a state under pressure. When applied thoughtfully, it can unveil both the strengths and weaknesses of public leadership in turbulent times.

A comprehensive and inter-agency strategy based on Tindall and 't Hart's framework, which included information-sharing, communication, delivery of basics to the most vulnerable groups of citizens, and repatriation, was developed. Vietnam mapped out a more detailed course of action based on the general framework combined with its previous consular experience, which specified agencies or individuals in charge and did a quantitative assessment of crisis severity for respective responses. The quantification part could be an added value to the

theoretical framework and help guide small countries in response to large-scale disruptive events. The COVID-19 pandemic, however, presented new operational difficulties, such as foreign ministry involvement, timeliness, communication and coordination among relevant agencies.

From the perspective of a middle-income country with limited healthcare resources and economic capacity, Vietnam's handling of the first wave of COVID-19 was, to the world's surprise, remarkably effective. This success can be attributed, to some extent, to a centralized governance system that allowed for prompt, flexible decision-making and effective top-down coordination, particularly vital in emergency situations such as the COVID-19 pandemic.

This case study highlights the need to develop a framework that considers both the limited capacities of developing and middle-income countries and the complex challenges posed by the global nature of crises. In addition, several key reforms are required to align response mechanisms with the actual capacities of these countries.

First, it is essential to establish clear, quantifiable criteria for assessing the severity of situations and prioritizing citizens in need. Second, the effective mobilization of human and financial resources must be at the core of any crisis response strategy.

Finally, a more detailed implementation plan—one that includes risk assessment and forecasting tools—would enable more accurate predictions and provide clearer guidance to field officers.

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REFERENCES

1. Bhalla, K. n.d. 'Honorary Consular Corps'. *Honorary Consular Corps Diplomatique-India*. Retrieved April 19, 2022, from <https://www.hccdindia.com/history#:~:text=In%20Europe%2C%20the%20origin%20of,Ot her%20states%20soon%20followed.>
2. Birka, I., Kļaviņš, D., and Kits, R. 2022. 'Duty of Care: Consular Diplomacy Response of Baltic and Nordic Countries to COVID-19', Brill. DOI: 10.1163/1871191x-bja10115
3. Bộ Ngoại giao, Cục Lãnh sự [Ministry of Foreign Affairs, Consular Department]. 2017. "Hệ Thống Các Cơ Quan Thực Hiện Công Tác Lãnh Sự". [System of Agencies Performing Consular Work], available at: [https://lanhsuvietnam.gov.vn/Lists/BaiViet/B%C3%A0i%20vi%E1%BA%Bft/DispForm.aspx?List=dc7c7d75%2D6a32%2D4215%2Dafeb%2D47d4bee70eeeandID=280\(March 28, 2022\)](https://lanhsuvietnam.gov.vn/Lists/BaiViet/B%C3%A0i%20vi%E1%BA%Bft/DispForm.aspx?List=dc7c7d75%2D6a32%2D4215%2Dafeb%2D47d4bee70eeeandID=280(March 28, 2022))
4. Cổng thông tin điện tử Bộ Tài chính [Electronic Information Portal of the Ministry of Finance]. 2013. 'Hướng dẫn quản lý tài chính Quỹ Bảo hộ công dân và pháp nhân Việt Nam ở nước ngoài.' [Ministry of Finance. 2022. Guidelines for financial management of the Fund for Protection of Vietnamese Citizens and Legal Entities Abroad']. Retrieved March 29, 2022, from <https://mof.gov.vn/webcenter/portal/ttpltc/pages_r/l/chi-tiet-tin-ttpltc?dDocName=BTC345808>
5. Cổng thông tin điện tử về công tác lãnh sự [Electronic Information Portal on Consular Affairs]. 2011. 'Quỹ Bảo hộ công dân.' [Fund for Protection of Vietnamese Citizens] Retrieved March 29, 2022, from <<https://lanhsuvietnam.gov.vn/Lists/BaiViet/B%C3%A0i%20vi%E1%BA%Bft/DispForm.aspx?List=dc7c7d75%2D6a32%2D4215%2Dafeb%2D47d4bee70eeeandID=58>>
6. Consular Department. 2020. *Một số kiến nghị phát biểu của Bộ Ngoại giao tại cuộc họp Thường trực Chính phủ theo hình thức trực tuyến*. Hanoi: Consular Department. [Some recommendations from the Ministry of Foreign Affairs at the online meeting of the Government Standing Committee]
7. Consular Department. 2021. *Thông tin Cơ bản về công tác bảo hộ công dân trong bối cảnh phòng, chống dịch COVID-19* [Basic Information on Citizen Protection in the Context of COVID-19 Prevention and Control]. Hanoi.
8. Davies, S. E., and Wenham, C. 2020. 'Why the COVID-19 response needs International Relations', *International Affairs*, 96/5: 1227–51. DOI: 10.1093/ia/iiaa135
9. European Council. n.d. 'Consular protection'. Retrieved June 15, 2021, from <<https://www.consilium.europa.eu/en/policies/consular-protection/>>
10. Forni, F. 2012. 'The Consular Protection of EU Citizens during Emergencies in Third Countries'. De Guttery A., Gestri M., and Venturini G. (eds) *International Disaster Response Law*, pp. 155–74. T.M.C. Asser Press: The Hague, The Netherlands. DOI: 10.1007/978-90-6704-882-8_7
11. Hoorens, S., Nederveen, F., Niemi, T.-E., Jordan, V., Cox, K., and Bentinck, M. 2019. *Consular services to citizens abroad: Insights from an international comparative study*. RAND Corporation. DOI: 10.7249/RR4288

12. Huang, Yilan. 2023. Issues of Consular Protection in China: Take the Stranded Students in Ethiopia Event as an Example. *Lecture Notes in Education, Psychology and Public Media*. 23. 22-28. 10.54254/2753-7048/23/20230351.
13. International Labour Organization. 2019. *Vietnam April - June 2019*. Hanoi.
14. Isufi, N. 2020. 'The Legal Nature of Consuls' Immunity', *Acta Universitatis Danubius Juridica*, 2020: 89.
15. Jestin, M. 2020. "The affirmation of a 'consular diplomacy' during the modern period." *Encyclopédie d'histoire numérique de l'Europe*. Retrieved September 17, 2022, from <<https://ehne.fr/en/encyclopedia/themes/european-humanism/diplomatic-practices/affirmation-a-%E2%80%9Cconsular-diplomacy%E2%80%9D-during-modern-period>>
16. Melissen, J. 2020a. 'Consular diplomacy's first challenge: Communicating assistance to nationals abroad', *Asia and the Pacific Policy Studies*, 7/2: 217–28. DOI: 10.1002/app5.298
17. Jan Melissen. 2020b. 'Consular diplomacy's first challenge: Communicating assistance to nationals abroad', *Asia and the Pacific Policy Studies*, 7/2: 217–28. DOI: 10.1002/app5.298
18. Ministry of Foreign Affairs. 2014. Quyết định: Quy định chức năng, nhiệm vụ, quyền hạn và cơ cấu tổ chức của Cục Lãnh sự. [Decision: Stipulating the functions, tasks, powers and organizational structure of the Consular Department] Retrieved from 227/QĐ-BNG.
19. Ministry of Foreign Affairs. 2018. *Bảo hộ công dân trong khủng hoảng: Thực tiễn - Kinh nghiệm các nước và giải pháp mô hình ứng dụng cho Việt Nam*. [Citizen Protection in Crisis: Practices and Experiences of Countries and Model Solutions for Application in Vietnam]. Hanoi.
20. Ministry of Foreign Affairs. 2020. *Chuyên đề đưa công dân từ nước ngoài về nước*. [Special topic on repatriating citizens from abroad]. Hanoi.
21. National Assembly. 2008. 'Luật Quốc tịch Việt Nam. Cơ sở dữ liệu quốc gia về văn bản pháp luật. [National database of legal documents] Retrieved May 26, 2021, from <<http://vbpl.vn/TW/Pages/vbpq-toanvan.aspx?ItemID=12331andKeyword=lu%E1%BA%ADt%20qu%E1%BB%91c%20t%E1%BB%8Bch>>
22. Law on Overseas Representative Missions of the Socialist Republic of Vietnam. 2009. *Legal Normative Documents*. Retrieved May 30, 2021, from <http://vbpl.vn/tw/Pages/vbpqen-toanvan.aspx?dvid=13andItemID=10475>
23. Hiến pháp [The 2013 Constitution of the Socialist Republic of Vietnam]. 2013. *Cơ sở dữ liệu quốc gia về văn bản pháp luật*. Retrieved May 26, 2021, from <http://vbpl.vn/TW/Pages/vbpq-toanvan.aspx?ItemID=32801andKeyword=Hi%E1%BA%BFn%20ph%C3%A1p%202013>
24. National Steering Committee of COVID-19 Prevention and Control. 2020. *Report of the meeting*.
25. Ngan Anh. 2020. 'Ảnh hưởng của COVID-19: Hơn 5.000 lao động Việt Nam ở nước ngoài về nước'. [Impact of COVID-19: More than 5,000 Vietnamese workers abroad return home]. *Báo Nhân Dân*. Retrieved May 15, 2021, from <<https://nhandan.com.vn/tin-tuc-xa-hoi/anh-huong-cua-covid-19-hon-5-000-lao-dong-viet-nam-o-nuoc-ngoai-ve-nuoc-475139/>>

26. Porzio, G. 2008. 'Consular Assistance and Protection: An EU Perspective', *The Hague Journal of Diplomacy*, 3/1: 93–7. Brill Nijhoff. DOI: 10.1163/187119008X266137
27. Royal Thai Embassy in Dili, Timor-Leste. 2021. "World Wide Mission Impossible: A Look Back into Thailand's Repatriation Efforts", Retrieved on April 17, 2025.
<<https://dili.thaiembassy.org/en/content/world-wide-mission-impossible-a-look-back-into-tha?cate=5fcd7c395ddb2e30f8135362>>
28. Thuy Dung. 2021. 'Bộ Ngoại giao thông tin về bảo hộ công dân Việt Nam tại vùng dịch'. ['Ministry of Foreign Affairs informs about protection of Vietnamese citizens in epidemic areas'] Báo Điện tử Chính phủ. Retrieved June 15, 2021, from <http://baochinhphu.vn/Xa-hoi/Bo-Ngoai-giao-thong-tin-ve-bao-ho-cong-dan-Viet-Nam-tai-vung-dich/424248.vgp>
29. Tindall, K and 't Hart, P. 2011. 'Evaluating government performance during consular emergencies: Toward an analytical framework', *Policy and Society*, 30/2: 137–49. DOI: 10.1016/j.polsoc.2011.03.001
30. United Nations. 1963. 'Vienna Convention on Consular Relations, 1963', Treaty Series, 596: 261.
31. World Health Organization. 2021a. 'Coronavirus disease (COVID-19)'. Retrieved June 15, 2021, from <<https://www.who.int/news-room/q-a-detail/coronavirus-disease-covid-19>>
32. World Health Organization. 2021b. *COVID-19 Weekly Epidemiological Update*.
33. Wyatt, S., Mohammed, M. A., Fisher, E., McConkey, R., and Spilsbury, P. 2021. 'Impact of the SARS-CoV-2 pandemic and associated lockdown measures on attendances at emergency departments in English hospitals: A retrospective database study', *The Lancet Regional Health - Europe*, 2: 100034. DOI: 10.1016/j.lanepe.2021.100034
34. Xia, Liping. 2013. "An Analysis of China's Consular Protection Practice in Africa." *African East-Asian Affairs – The China Monitor*, no. 3 (September 2013): 83–106. Stellenbosch: Centre for Chinese Studies, Stellenbosch University.
<http://aeaa.journals.ac.za/pub/article/view/145>



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The Impact of Trump's Anti-Immigration Discourse on Asylum Applications in the Balkans (2017–2021)

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Abstract

Immigration has become an increasingly contentious political and social issue in Europe over the past decade. The growing influx of asylum seekers has been driven by deteriorating security conditions, armed conflicts, and political and economic instability in various regions, alongside the comparatively higher living standards in Europe. As a global hegemon, the United States has indirectly shaped migration patterns in peripheral regions such as the Balkans. This paper examines how President Donald Trump's anti-immigration discourse during his first term (2017–2021) coincided with an approximately 45% decrease in asylum applications from the Balkans. Drawing on official statistics and employing Critical Discourse Analysis, the study explores how US rhetoric influenced regional policy emulation. The findings underscore the transnational impact of populist discourse and call for a critical reassessment of migration governance in key transit regions.

Keywords

Immigration; Asylum; Balkans; Trump; Securitization; Migration Governance; Populism; Critical Discourse Analysis

INTRODUCTION

International migration has become a reality that affects almost every region of the world. People can now move more easily, more affordably, and more quickly in pursuit of employment, opportunities, education, and a higher standard of living. Whereas, in some cases, people are forced to flee their countries in search of a better future for themselves and their families abroad due to conflict, poverty, inequality, and a lack of stable employment (Cohen and Deng 2012). With its pledge to “leave no one behind,” the 2030 Agenda for Sustainable Development Goals (SDGs) acknowledges that international migration has a significant impact on the development of the nations of origin, transit, and destination and calls for comprehensive and cogent responses (Santino et al. 2022). SDG target 10.7 states that governments must “enable orderly, safe, regular, and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies” (UN ESCAP 2021). In addition, the 2030 Agenda for Sustainable Development (SDG) aims to eradicate human trafficking, raise labour standards for migrant workers, and lower remittance transfer fees (Hagen-Zanker et al. 2022).

According to the most recent estimates of international migrants (as of mid-2020), nearly 281 million people resided outside of their country of birth (WMR 2022). This is roughly 128 million more than the estimated number in 1990 (153 million) and more than three times the number in 1970 (84 million). Over the years, the global population of international migrants has



increased steadily, from 173 million in 2000, 191 million in 2005, 220 million in 2010, 248 million in 2015, and 290 million in 2020. The stock of international migrants increased by an average of 2% annually between 2000 and 2005. The annual growth rate increased in the years 2005–2010, hitting 2.9%. Since then, though, it has slowed, dropping to about 2.4% annually between 2010 and 2015 and 2.0% between 2015 and 2017 (UN DESA 2024).

The phenomenon of immigration in Europe has become one of the major political and social problems, capturing the attention of policymakers, researchers, and the general public. In the past ten years, the continent has experienced periods of increase and decrease in asylum applications, mostly because of worsening security conditions in different parts of the world (Trauner 2018). Armed conflicts, political instability, and economic crises have led people to escape to Europe, which has softer living standards and much better economic opportunities (De Haas 2013). According to the International Organization for Migration's "World Migration Report" (2022), nearly 87 million international migrants were residing in Europe as of 2020. This implies a bit over a 15 percent increase from 2015, when approximately 75 million foreign migrants were living in the region. While 44 million were born in Europe but were living elsewhere in the region, this number has increased since 2015, rising from 38 million. Whereas, in 2020, the population of non-European migrants in Europe reached over 40 million. These migration patterns are not self-driven; they are part of larger geopolitical factors, such as the US' influence on immigration policies, which proves the relevance of this topic and the importance of conducting such research.

As a leader in the world economy and a global political superpower, the United States (US) wields significant power over migration patterns to Europe (Pieterse 2015). Factually, the asylum-seeking trends are heavily influenced by US foreign policy and diplomatic engagements abroad, which is the main hypothesis set in this study.

Notably, the data published by Eurostat reveals that asylum applications dropped during President Trump's first term; thereafter, they skyrocketed between 2021 and 2023. This trend resembles the migration surges during 2014 to 2016 (Ekhtiari et al. 2023). This correlation begs vital questions about how much US leadership and its policy decisions play a role in migratory flows to Europe. The immigration policies of the United States and Europe were similar. At one point in their respective histories, both have supported a more liberal immigration policy (Casanova 2007). Nonetheless, as of 2025, the societies on both sides of the Atlantic Ocean are becoming increasingly concerned about the influx of new immigrants. Both the US and the EU heard an increasing number of voices calling for stricter immigration laws after the events of 9/11, the 2015 refugee crisis, and Donald Trump's election (Funk and Shaw 2021). Anti-immigrant parties have been gaining popularity across Europe, driven by a wave of terrorist attacks and rising crime rates in several European capitals. Although the number of migrants entering the United States and Europe had declined by late 2018, the political and social impacts continue to be felt on both continents.

Concerning this, the securitization of immigration, an entrenched concept within American and European political discourse, has resulted in asylum seekers being positioned as threats to security, rather than in need of protection (Kopytowska and Grabowski 2017). This reframing has encouraged anti-immigrant movements, affecting domestic policies, which led to favoring border management at the expense of humanitarian concerns (Miron 2020). In addition, Trump's statements heightened preexisting concerns about migration and

strengthened strict asylum policies throughout the continent (Trucios-Haynes and Michael 2018). Whereas Europe continues to see significant inflows of asylum seekers due to geopolitical crises, the indirect impact of US foreign policy on these migration patterns has received insufficient attention. Particularly, the United States' political rhetoric and foreign engagements appear to have had measurable effects on migratory flows. However, this nexus has not been thoroughly investigated in light of recent European asylum trends. Hence, apprehending the link between international political rhetoric and migration policy is critical to developing effective, humane migration governance. Therefore, this paper aims to examine how anti-immigration rhetoric shapes international migration policies and how it affects asylum seekers in transit areas like the Balkans. Furthermore, the paper adds to the growing body of research on migration securitisation by shedding light on how US policy discourse influences European responses, particularly in areas with high migratory pressure. The following text further explores the literature on anti-immigration rhetoric, aiming to assess how political discourse has shaped migration narratives and influenced policy contexts in both the United States and Europe.

LITERATURE REVIEW

Over time, scholars have analyzed rhetoric as a tool of persuasion in political contexts, with particular focus on issues related to immigration. Aristotle's concepts of *ethos*, *pathos*, and *logos* have been extensively applied to political discourse analysis, including immigration policy (Fernández-Ulloa and del Carmen López-Ruiz 2023). Immigration has been a divisive issue, particularly in the United States during the first Trump administration (2017–2021). Trump's anti-immigration rhetoric heightened border security and implemented strict asylum policies, significantly impacting global migration dynamics (Campani et al. 2022).

Trump's rhetoric predominantly utilized *ethos*, portraying himself as the defender of American sovereignty, and *pathos*, evoking fear and nationalist sentiments (Charteris-Black 2018). This approach has parallels with right-wing populist ideologies in European politics, including the Balkans, which often emphasize nationalist sentiments (Zúquete 2018). Trump's narratives surrounding migration influenced policy adaptations in Balkan countries, which can be examined through the lens of Critical Discourse Analysis (CDA) (Fairclough 2013). Strauss and Feiz (2013) argue that CDA seeks to expose how language upholds power structures, often under the guise of common-sense assumptions and everyday practices. Studies employing CDA have revealed how rhetorical devices like hyperbole, metaphor, and negative framing portray immigrants as dangerous, undeserving, and unworthy of rights (Van Dijk 2015; Hardt-Mautner 1995; Mehan 1997; Baker and McEnery 2005; Bloodsworth-Lugo 2014; Quinonez 2018; Wodak 2015).

Fairclough (2001) posits that in modern society, the exercise of power is increasingly achieved through ideology, particularly through the ideological workings of language. A study of 140 million words of UK press articles found numerous negative representational categories and a tendency to conflate terms related to immigrants, refugees, and asylum-seekers (Baker, Gabrielatos, and McEnery 2013). Similarly, a corpus-based study of British newspapers discovered recurring linguistic choices used to negatively frame refugees, describing them as "packages, invaders, pests, or water" (Baker and McEnery 2005).

Migration rhetoric can also be analyzed through securitization theory, which posits that political agents frame migration as an existential security risk necessitating exceptional measures (Huysmans 2000). The characterization of migrants as criminals aligns with this theory, rationalizing stricter immigration laws and influencing narratives in Balkan nations. Additionally, the agenda-setting theory (McCombs and Shaw 1974) accounts for how media framing of Trump's policies affected Balkan migration policies, enforcing strict border policies and shaping public attitudes against asylum seekers. These theoretical perspectives elucidate how political discourse affects asylum policies and social attitudes.

Taken together, the theoretical frameworks employed CDA, securitization theory, and agenda-setting form a triangulated lens through which to understand both the language of power and the mechanisms of policy diffusion. CDA unpacks the symbolic and ideological construction of migrants as threats; securitization theory then explains how this discursive framing enables extraordinary state measures such as militarized borders (Muro 2024), while agenda-setting theory tracks how political and media actors selectively elevate certain threats into public consciousness. When applied to the Balkan context, this triangulation reveals not only the diffusion of Trump-era narratives but also the strategic incentives for Balkan governments to align with US ideological positions in order to signal competence, gain geopolitical favor, or secure future diplomatic leverage.

Studies have highlighted the restrictive nature of Trump's immigration policies, such as the travel ban targeting asylum seekers from Muslim countries, the Migrant Protection Protocols (MPP) complicating asylum applications, and reduced refugee admissions impacting global asylum policies (Elias 2021). These policies have contributed to the perception that applying for asylum is a dishonorable procedure, fueling anti-immigration sentiment globally. Consequently, Balkan nations, historically transit areas for asylum seekers, have strengthened border controls and restrictive asylum policies (Póczik and Sárík 2018). For instance, Serbia and Bosnia-Herzegovina have tightened border controls and dismissed more asylum requests, while Croatia has increased unauthorized deportations to Bosnia and Serbia (Hodžić 2020). The hardline immigration policies of Viktor Orbán's government in Hungary further illustrate how Trump's rhetoric resonated with right-wing governments in the Balkans.

Parallels between Trump's anti-immigration policy, particularly its emphasis on border fortification and the externalization of asylum procedures, have been identified in comparative studies that draw analogies between the US–Mexico and EU–Morocco border regimes (Ardalan 2020).

Conversely, another study presents a nuanced comparative analysis of the anti-immigration rhetorical strategies employed by two prominent contemporary right-wing populist figures: the US President Donald Trump during his first term and Italian League leader Matteo Salvini (Lorenzetti 2020). Moreover, Trump's immigration discourse has had an indirect yet notable impact on European Union Member States by emboldening radical-right political actors, who have adopted similar nationalist and exclusionary frameworks, thus influencing the trajectory of EU foreign policy deliberations on migration (Arjakas et al. 2024).

While a growing body of literature has explored the influence of US immigration policies on European states, particularly in the context of transatlantic policy diffusion, there remains a significant and underexplored gap concerning the specific effects of the Trump administration's migration policies on asylum governance in the Balkan region. Existing research tends to

generalize European responses or focus predominantly on Western Europe, thereby overlooking the unique geopolitical and socio-political dynamics of Southeastern Europe.

This paper seeks to address this lacuna by examining how the rhetoric and policy direction of the Trump administration, marked by its nationalistic discourse and deterrence-based approach to migration, have shaped, directly or indirectly, migration governance in the Balkan countries. This inquiry is especially pertinent given the complex interplay between external pressures and domestic political agendas in the region, which can both resist and replicate global migration trends.

Moreover, with President Donald J. Trump now beginning his second term, the issue has gained renewed urgency. His administration's renewed emphasis on stringent border controls and the reversal of previous immigration framework, such as the immediate detention of undocumented individuals accused of theft or violent crimes, and the dismantling of what he characterizes as lenient Biden-era policies, signals a continuation and potential intensification of restrictive migration paradigms (White House 2025). This context not only reinforces the need for a critical assessment of the broader implications of US migration rhetoric beyond its borders but also highlights the timeliness and relevance of this study within the evolving global policy landscape, reminding us that, to understand the future, we must first deconstruct the past.

METHODOLOGY

This study is grounded in a comprehensive critical analysis of publicly available data, encompassing sources from Eurostat, international organizations operating in the field of migration issues, and relevant national institutions within individual countries. It presents and interprets information on the number of asylum seekers per year, alongside their countries of origin, across the ten countries of the Balkan Peninsula, intending to identify migration trends during the first term of President Trump's administration, responding to the main objective - to ascertain whether his foreign policy and anti-migration rhetoric have exerted any discernible influence on the migration dynamics within the Balkans.

Furthermore, the study incorporates data on the number of Ukrainian nationals registered for temporary protection or equivalent schemes, which were activated in response to the war in Ukraine that erupted in 2022. In addition to the critical examination of quantitative data, this article also partly employs a comparative analysis, contrasting migration flow trends to the Balkans during the first Trump presidency with those under President Biden. This comparative approach seeks to elucidate potential factors contributing to the observed differences in migration patterns between the two periods.

DATA ANALYSIS AND DISCUSSION

The immigration issue has become a contemporary political and social topic, arousing the interest of societies in Europe over the past 10 years. As already mentioned, among the main reasons for the increased number of people seeking asylum on the old continent are the deteriorating security environment, in which armed conflicts, political instability and crises are observed on the one hand, and the relatively better social and living conditions and purely economic conditions in Europe. The US, as a global hegemon with the ability to exert influence

in various regions around the world, has the power to shape migration processes to Europe. In this regard, Eurostat data shows that during President Trump's first term, there was a significant decrease in the number of asylum applications at the European Union level. At the same time, in the period 2021-2023, it increased tremendously, similar to the peak of 2014-2016, better known as the European migration crisis. Potential reasons for this might be found in the rhetoric of the different US administrations on the issue, as well as in the shifts in conducting international policy.

Balkans, as an integral part of the continent of Europe, are just as affected by migration processes as the EU as a whole. Moreover, one of the key immigration routes to Europe is through the Western Balkans. This path covers territories of Bulgaria, Romania, Hungary and Croatia and other countries from the Western Balkan region, on which the reported migrants are mostly Syrians, Turks, and Afghans, according to the European Border and Coast Guard Agency (Frontex 2025). However, before conducting some analysis and assumptions, it is worth clarifying the exact boundaries of the region and specifically which countries it encompasses. In this regard, it is important to highlight that there is no universal agreement on the region's components. Some sources define the Balkans as comprising Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Kosovo, Montenegro, North Macedonia, Romania, Serbia, and Slovenia, with all or parts of these countries located within the Balkan Peninsula (Britannica 2025).

On the other hand, the European Parliament (EP) uses a different classification. Moreover, the European Union (EU) has developed a policy aimed at supporting the gradual integration of the so-called Western Balkan region into the EU. According to EP, among the Western Balkan countries are Albania, Bosnia and Herzegovina, the Republic of North Macedonia, Kosovo, Montenegro, and Serbia. Nevertheless, it is important to note that none of these countries is a member of the EU, and therefore, for this paper, migration processes in the broader sense of the Balkan Peninsula, encompassing 10 countries, are analyzed.

To assess whether migratory pressure in these countries correlates with different US administrations, the number of asylum applications submitted is presented in Figure 1 for the period 2016–2024.

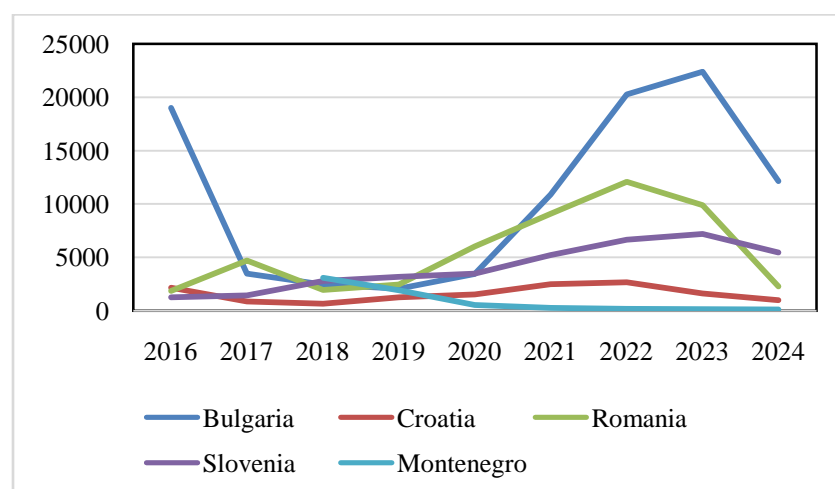


Figure 1: Annual Number of First-Time Asylum Applications in Selected Balkan Peninsula Countries (2016–2024) (Source: Eurostat 2025)

The levels of migration pressure on the countries of the Balkan Peninsula were significantly lower in the period 2016-2020, corresponding to the first administration of President Trump. An important clarification is that the data in Figure 1 do not cover all ten countries on the peninsula, as some fall outside Eurostat's scope. The first period corresponds to Trump's first term in office. However, it can be pointed out that the total number of asylum applications submitted in the five countries included in the chart during President Trump's first term amounted to 71,640, while that for the period 2021-2024 (President Biden's administration) amounted to 131,945. Expressed in percentage terms, asylum applications increased by 45.7% during Biden's presidency. Over the entire nine-year period, 35.2% of applications were filed during Trump's presidency, compared to 64.8% during Biden's time in office.

On the other hand, the data presented in Figure 2 allows us to draw conclusions about which countries are most affected by migration processes. Over the entire period from 2016 to 2024, the highest number of asylum applications was recorded in Bulgaria, with 96,130 applications, followed by Romania with 50,250, Slovenia with 36,645, Croatia with 14,285, and finally Montenegro with only 6,275.

To examine the situation in the remaining Balkan countries, statistical data from other international organizations operating in their territories were collected. For instance, the European Council for Refugees and Exiles (ECRE) prepares annual reports about the migration situation in Serbia. According to their findings, there are 2,225 applications for asylum in total in Serbia between 2016 and 2023, which makes the country poorly affected by these processes (ECRE 2024). A potential reason for the comparatively lower number of people seeking asylum in Serbia is the fact that it is primarily a transit point for refugees and migrants on their way to Western Europe, as stated by some organizations (UNICEF 2021). The same goes for North Macedonia, as it has 2,396 first-time asylum applications for the period 2016-2023 (IOM 2022a; UNHCR 2024).

Contrary to the trends in North Macedonia and Serbia, where the total number of asylum seekers for the period does not exceed a negligible 2,500 people, in Albania, it amounted to 16,623 for the period 2016-2023 (Instat 2025). What is particularly striking is that, in most years, the numbers are insignificant, yet peaks occurred in 2018, 2019, 2020, and 2021—periods when the situation in Europe appeared relatively calm. During these years, Albania recorded 4,386, 6,557, 2,232, and 2,533 asylum applications, respectively. In percentage terms, this means that in just four years, Albania registered 94.5% of all asylum seekers in the period 2016-2023. Regarding the nationalities of the newcomers and more specifically those registering as asylum seekers in Albania during this peak period, it can be mentioned that in the three years up to and including 2020, the most numerous were Syrians and Iraqis, while in 2021 (98.6%) they were Afghans (Instat 2018; Instat 2019; Instat 2020; Instat 2021). Among the potential reasons for the great interest in finding asylum in Albania, even though the country is not a member of the EU and therefore newcomers there do not have access to the social benefits that EU Member States offer, is the religious and cultural similarity. The latter refers to the fact that the share of Muslims in Albania amounts to nearly 60% of the total population (US Department of State 2021).

The same applies to Kosovo, where the Muslim population share is even higher than in Albania, at approximately 93% (US Department of State 2022). As for the institution that collects data on asylum seekers in Kosovo, it is the Ministry of Internal Affairs. According to their reports, the total number of registered asylum applications in the country from 2013 to 2017 was 691,



and for the period 2018-2023, 5,393, with an ostensible peak in 2019, 2,081 asylum seekers (Republic of Kosovo Ministry of Internal Affairs 2025). Among the remaining Balkan countries, Bosnia and Herzegovina, like the other ex-Yugoslav republics, including Croatia, North Macedonia, Montenegro, and Serbia, exhibits a notably lower rate of asylum applications, especially when compared to nations such as Bulgaria and Romania. According to a report of the Ministry of Security of Bosnia and Herzegovina (2024), there were 3,519 asylum seekers in the country for the whole period 2016-2023, with a slight increase in 2018 when 1,568 people seeking protection were recorded. However, it is worth stressing that, like Albania and Kosovo, Bosnia and Herzegovina also has a predominant Muslim population - approximately 51% (US Department of State 2016).

While there has been a discernible increase in the number of asylum applications lodged in several countries between 2018 and 2020, particularly in instances where the corresponding levels within the EU are lower, such as in Albania, Kosovo, and Bosnia and Herzegovina, it would be inaccurate to attribute this trend to specific international events. Instead, it appears to reflect a broader intra-European movement of individuals with comparable status. Furthermore, the redirection of asylum seekers to these specific countries is likely attributable to cultural and religious affinities, as it is evident that these nations are predominantly Muslim. Given the fact that asylum seekers in Europe typically originate from the Middle East and North Africa (MENA) region, such similarities may play a significant role in influencing their destination choices.

One of the primary factors contributing to the relatively subdued migratory pressure on Europe during the first term of the Trump administration is its predominantly domestic policy orientation, which prioritized enhancing the US economic performance over the global dissemination of the American values of democracy and security promotion through military intervention in various regions. The wars that Trump is waging are comparative and, in most cases, short, as is the case in 2017 in Syria (Prakash 2017).

However, to explore whether there is a relationship between US foreign policy and migration trends to Europe, Figure 2 presents the most common nationalities of newcomers in the Balkan countries.

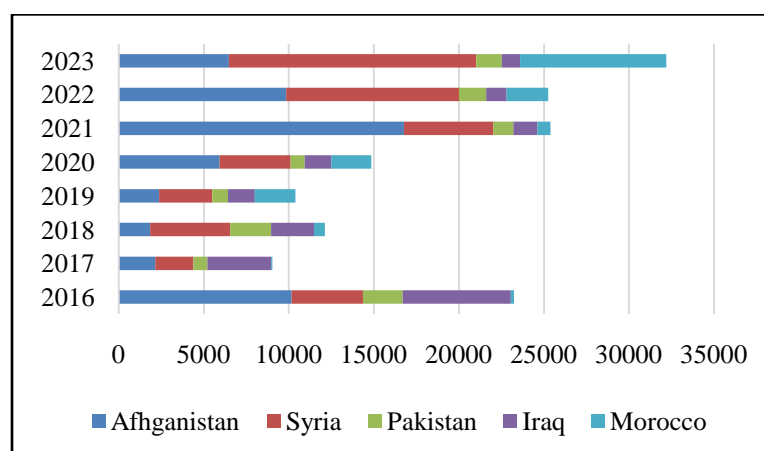


Figure 2: Most Common Countries of Origin of Asylum Applicants in Balkan Peninsula Countries (2016–2023) (Source: Authors' calculations based on data from Eurostat 2025; Instat 2025; IOM 2022; Republic of Kosovo Ministry of Internal Affairs 2025; Ministry of Security of Bosnia and Herzegovina 2024)

As shown in Figure 2, there is considerable variation in the nationalities of asylum seekers arriving in the Balkan countries. In 2016, for example—when Europe was nearing the end of the so-called migration crisis of the mid-2010s and President Trump began his first term—the largest group of asylum seekers were Afghans, numbering 10,169. They were followed by Iraqis with 6,363 and Syrians with 4,187. A likely reason for the significant presence of Iraqis and Syrians that year is the aftermath of anti-government protests, uprisings, and armed conflicts that spread across much of the Arab world in the early 2010s, notably impacting both Syria and Iraq.

However, an explanation for the significant number of Afghans can be found in the deteriorating political, social and economic situation in the country itself, which has not been particularly favourable for a long time. The share of Afghan asylum seekers is increasing rapidly in 2021 and 2022, reaching 16,759 and 9,843. This surge occurred as a result of the withdrawal of US troops from Afghanistan in August 2021, and the subsequent Taliban takeover of control of the country and the government in Kabul (Center for Preventive Action 2025). This was one of the first foreign policy decisions of President Biden’s administration, which, combined with his more liberal attitude on migration issues, also influenced the flow of people to Europe, including the Balkan region. Moreover, it is crucial to emphasize that Afghans not only represent the largest group in 2021 but also constitute the highest overall number for the period, totalling 55,556. They are followed by Syrians with 48,374, Iraqis at 19,476, Moroccans with 17,448, and, lastly, Pakistanis, who number 11,601.

An important clarification is that the data analyzed above do not include people who emigrated as a result of the Russian invasion of Ukraine, which began on February 24, 2022. Information on this indicator is presented in Figure 3.

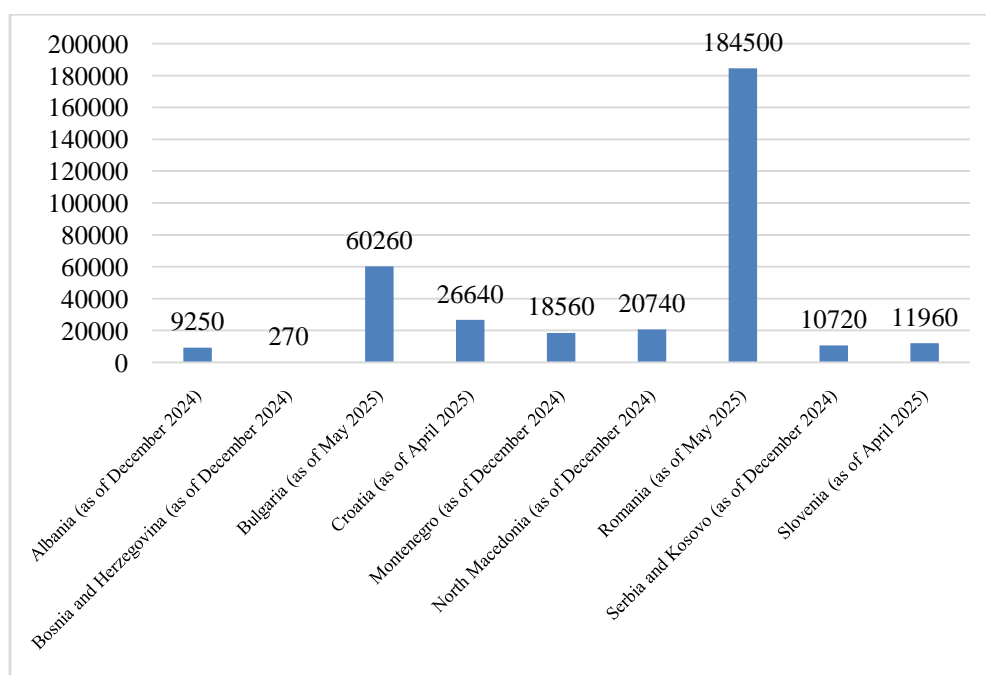


Figure 3: Refugees from Ukraine Recorded in Balkan Countries
(Source: UNHCR Operational Data Portal 2025)

As illustrated in Figure 3, Bulgaria and Romania have been disproportionately affected by the ongoing conflict in Ukraine, which escalated during President Biden's administration. These two countries find themselves in a challenging position, tasked with managing significantly larger and more complex mixed migration flows. The combined total of asylum seekers from the MENA region, together with the influx of Ukrainian refugees, has resulted in a significant rise in migrant numbers: Bulgaria has received 156,390 individuals, while Romania has seen 234,750 arrivals. This increased burden highlights the critical role these countries play in Europe's broader response to displacement caused by the war, making them the most affected among the Balkan countries.

However, even though in this case the Russian Federation is the aggressor, invading the inviolable territory of another country, forcing millions of people to flee, as a result of the war that has begun, a significant number of Russian citizens have sought safer living conditions in other countries. Such is the case with Serbia, for example, a country often characterized as a Russian ally (Proroković 2020). This statement is proved by the Asylum Information Database (AIDA 2022) report, according to which "more than 200,000 Russian citizens arrived in Serbia after the conflict in Ukraine started." In addition to the fact that this significant influx creates the typical challenges that are observed with the arrival of asylum seekers of other nationalities, the report adds that this mass influx of Russians "created a turbulence in the real estate market and a sharp increase in rents."

While the quantitative patterns confirm a decline in asylum applications during Trump's first term, interpreting these trends through the theoretical lens reveals deeper structural undercurrents. The policy choices of Balkan countries seem to reflect not only responses to migrant flows but also proactive political alignment with prevailing geopolitical narratives. Here, securitization functions not merely as a reactive measure but as a strategic tool, whereby constructing the asylum seeker as the "other" enables states to consolidate internal authority and demonstrate alignment with US power. CDA further reveals how domestic leaders adapted Trump's language tropes of criminality, chaos, and contagion to justify their restrictive migration regimes, often with little empirical grounding but high public appeal (Phillips 2023).

Regardless of the reason and motives, migration, when forced, creates inconveniences both for the people themselves, forced to leave their countries of origin, and for the receiving countries, and the US, as a global hegemon, has the power to stimulate or reduce these processes.

CONCLUSION

In conclusion, early signals from President Trump's second term suggest a consolidation, and possible intensification, of the hardline migration policies that characterized his first administration (Burrows and Braml 2025). Renewed executive orders aimed at curbing irregular migration, along with proposed expansions in border surveillance and transnational enforcement partnerships, reflect a continuity with earlier approaches, including policies reminiscent of the "Remain in Mexico" framework (Rizzo 2024). Central to this strategy is the externalization of migration control, particularly through the rhetorical and policy shift of assigning responsibility for refugee processing to transit states. This mirrors longstanding EU practices and contributes to a global diffusion of deterrence-based migration governance.

For the Balkan countries, such transnational signalling is not without precedent. During Trump's first term and in the broader context of rising global restrictionism, Balkan governments responded with a pattern of anticipatory alignment, tightening borders, enacting more restrictive asylum procedures, and exhibiting limited legislative commitment to refugee integration. These responses were shaped in part by diplomatic messaging and the framing of migration as a sovereignty issue, a narrative that continues to resonate among Balkan policymakers and is once again being echoed in early 2025 US government communications. As Burrows and Braml (2025) note, this alignment is not merely reactive but speaks to a deeper ideological compatibility rooted in shared emphasis on national control and border security.

The reduction in asylum seeker arrivals to the Balkans observed during Trump's first term was likely influenced by this combination of US foreign policy shifts and the broader populist narrative he championed regarding migration, particularly toward the United States. This rhetoric gained substantial traction across Europe during the mid-2010s, a period initially marked by the so-called "open door" policy in many EU Member States. However, by the decade's end, a significant policy transformation had occurred. Scholars such as Olejárová (2018) have argued that this shift was driven by changing public attitudes and the electoral rise of nationalist movements, both of which contributed to a more restrictive policy climate. As a result, migration patterns and asylum channels, including those through the Balkans, were realigned in ways that reflected the wider ripple effects of Trump-era policies and the global reassertion of immigration restrictionism.

Going forward, Balkan policymakers will likely face increasing pressure to harmonize their security priorities with the principles of international refugee protection. The challenge lies in constructing a governance model that upholds state sovereignty while avoiding the erosion of humanitarian obligations. Aligning with global standards such as those outlined in SDG 10.7, which calls for safe, orderly, and responsible migration, may involve bolstering financial support for humane asylum reception facilities and fostering discursive strategies that resist the populist framing of migrants as threats.

As Trump's second term unfolds, it offers a critical opportunity to study the real-time diffusion of political rhetoric into policy practice across international borders. Notably, it raises the question of whether regions like the Balkans are merely passive recipients of dominant external discourses or whether they act as active amplifiers, translating and embedding foreign rhetoric into domestic contexts for political gain. In this regard, combining discourse theory with policy transfer literature could significantly enrich scholarly understandings of transnational populist contagion, particularly in how migration governance is increasingly shaped not only by material pressures but also by the symbolic and ideational dynamics of global political influence.

This study primarily relies on Critical Discourse Analysis and policy documents available up to early 2025, which may limit the ability to capture ongoing developments in real time. Additionally, while the focus on the Balkans provides valuable regional insights, the findings may not fully generalize to other geopolitical contexts with different migration dynamics. Finally, access to detailed internal policy deliberations in Balkan countries was limited, constraining the analysis to publicly available sources and potentially overlooking behind-the-scenes factors influencing policy alignment.

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Siddharth Kanojia: conceptualization, resources, writing - original draft, writing - review and editing, visualization, formal analysis.

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REFERENCES

1. AIDA. 2022. *2022 Update AIDA Country Report: Serbia*. Available at: <https://ecre.org/2022-update-aida-country-report-serbia/>
2. Ardalan, S. 2020. *Chapter 11 EU and US Border Policy: Externalisation of Migration Control and Violation of the Right to Asylum*. Securitising Asylum Flows. Deflection, Criminalisation and Challenges for Human Rights Series: Immigration and Asylum Law and Policy in Europe, Volume: 46. Available at: https://doi.org/10.1163/9789004396814_013
3. Arjakas, M., Dempsey J., Filipova, R., Habtom N., Iso-Markku, T., Kudzko, A., Popescu-Zamfir, O., Przybylski W., Stewart, T., Szelényi Z., Ventura E., Vossen, K., Zamfir, R. 2024. *Charting the Radical Right's Influence on EU Foreign Policy*. Carnegie Endowment for International Peace Publications Department. Available at: https://carnegie-production-assets.s3.amazonaws.com/static/files/Charting_the_Radical_Rights_Influence_on_EU_Foreign_Policy4.pdf
4. Baker, P., & McEnery, T. 2005. *A corpus-based approach to discourses of refugees and asylum seekers in UN and newspaper texts*. *Journal of language and politics*, 4(2), 197-226.
5. Baker, P., Gabrielatos, C., & McEnery, T. 2013. *Discourse analysis and media attitudes: The representation of Islam in the British press*. Cambridge University Press.
6. Bloodsworth-Lugo, M. K., & Lugo-Lugo, C. R. 2014. *Projecting 9/11: Race, Gender, and Citizenship in Recent Hollywood Films*. Rowman & Littlefield.
7. Britannica. 2025. *Balkans*. Available at: <https://www.britannica.com/place/Balkans>
8. Burrows, M., & Braml, J. (2025). *World to Come: The Return of Trump and the End of the Old Order*. Bui Jones.
9. Campani, G., Fabelo Concepción, S., Rodriguez Soler, A., & Sánchez Savín, C. 2022. *The rise of Donald Trump's right-wing Populism in the United States: Middle American radicalism and anti-immigration discourse*. *Societies*, 12(6), 154.
10. Casanova, J. 2007. *Immigration and the new religious pluralism: A European Union/United States comparison*. *Democracy and the new religious pluralism*, 59-83.
11. Charteris-Black, J. 2018. *Analysing political speeches: Rhetoric, discourse and metaphor*. Bloomsbury Publishing.
12. Center for Preventive Action. 2025. *Instability in Afghanistan*. Available at: <https://www.cfr.org/global-conflict-tracker/conflict/war-afghanistan>
13. Cohen, R., & Deng, F. M. 2012. *Masses in flight: The global crisis of internal displacement*. Rowman & Littlefield.
14. De Haas, H. 2013. *The myth of invasion: The inconvenient realities of African migration to Europe*. In *Globalisation and Migration* (pp. 77-94). Routledge.
15. ECRE. 2024. *Country Report: Serbia*. Available at: <https://asylumineurope.org/reports/country/serbia/>
16. Ekhtiari, M., Cangönül, M., Hall, S., Nicolle, H., Thenot, E., Adhanom, T., ... & Fallon, A. 2023. *experiences of transit migration management*. *Changes*, 1, 15.
17. Elias, S. B. 2021. *Law as a Tool of Terror*. *Iowa L. Rev.*, 107, 1. Available at: <https://heinonline.org/HOL/LandingPage?handle=hein:journals/ilr107&div=5&id=&page>

18. ESCAP, UN. 2021. *SDG 10: Reduce inequalities*. Available at:
<https://repository.unescap.org/items/4f5371e0-7c15-47ad-9663-d11b3422a0d4>
19. Eurostat. 2025. *Asylum applicants by type, citizenship, age and sex - annual aggregated data*. Available at:
https://ec.europa.eu/eurostat/databrowser/view/migr_asyappctza_custom_15889706/default/table?lang=en
20. Fairclough, N. 2001. *Language and power*. Edinburgh Gate: Pearson Education.
21. Fairclough, N. 2013. *Critical discourse analysis: The critical study of language*. Routledge.
22. Fernández-Ulloa, T., & del Carmen López-Ruiz, M. 2023. *The Democrats' Linguistic Stance towards Migration in Electoral Campaigns: Ethos, Logos, and Pathos in Barack Obama's and Joe Biden's Discourses*. In *Routledge Handbook of Descriptive Rhetorical Studies and World Languages* (pp. 165-177). Routledge.
23. Frontex. 2025. *Migratory Routes*. Available at: <https://www.frontex.europa.eu/what-we-do/monitoring-and-risk-analysis/migratory-routes/migratory-routes/>
24. Funk, M., & Shaw, S. 2021. "I remember when Donald Trump was elected. It broke a lot of refugees' hearts": Refugee perspectives on the post-2016 US political climate. *Advances in Social Work*, 21(4), 1100-1123.
25. Hagen-Zanker, J., Postel, H., & Vidal, E. M. 2022. *Poverty, migration and the 2030 Agenda for Sustainable Development*. ODI.
26. Hardt-Mautner, G. 1995. "Only Connect." *Critical Discourse Analysis and Corpus Linguistics* (pp. 1-31). Lancaster: UCREL.
27. Hodžić, K. 2020. *Understanding the migrant crisis in Bosnia and Herzegovina*. *Kriminalističketeme—Časopis za kriminalistiku, kriminologiju i sigurnosne studije*, 20(5), 77-98.
28. Huysmans, J. 2000. *The European Union and the securitization of migration*. *JCMS: Journal of Common Market Studies*, 38(5), 751-777.
29. Instat. 2018. *Foreigners and Asylum Seekers in Albania, 2018*. Available at:
<https://www.instat.gov.al/en/themes/demography-and-social-indicators/migration-and-migrant-integration/publications/2019/foreigners-and-asylum-seekers-in-albania-2018/>
30. Instat. 2019. *Asylum Seekers in Albania, 2019*. Available at:
<https://www.instat.gov.al/en/themes/demography-and-social-indicators/migration-and-migrant-integration/publications/2020/asylum-seekers-in-albania-2019/>
31. Instat. 2020. *Asylum seekers in Albania, 2020*. Available at:
<https://www.instat.gov.al/en/themes/demography-and-social-indicators/migration-and-migrant-integration/publications/2021/asylum-seekers-in-albania-2020/>
32. Instat. 2021. *Asylum seekers in Albania, 2021*. Available at:
<https://www.instat.gov.al/en/themes/demography-and-social-indicators/migration-and-migrant-integration/publications/2022/asylum-seekers-in-albania-2021/>
33. Instat. 2025. *Migration and migrant integration*. Available at:
<https://www.instat.gov.al/en/themes/demography-and-social-indicators/migration-and-migrant-integration/#tab3>
34. IOM. 2022. *World Migration Report. Chapter 3 - Migration and Migrants: Regional Dimensions and Developments. Europe*. Available at:
<https://publications.iom.int/system/files/pdf/WMR-2022.pdf>

35. IOM. 2022a. *Migration in North Macedonia: A Country Profile 2021*. Available at: <https://publications.iom.int/books/migration-north-macedonia-country-profile-2021>
36. Kopytowska, M., & Grabowski, Ł. 2017. *European security under threat: Mediating the crisis and constructing the Other*. In *National Identity and Europe in Times of Crisis* (pp. 83-112). Emerald Publishing Limited.
37. Lorenzetti, M. 2020. *Anti-immigration rhetoric in Italy and in the USA: A comparative perspective*. *Euro-American Relations in the Age of Globalization: Risks and Opportunities*. 97-121. Available at: <https://iris.univr.it/handle/11562/1024623>
38. McCombs, M., & Shaw, D. L. 1974. *A Progress Report on Agenda-Setting Research*.
39. Mehan, H. 1997. *The discourse of the illegal immigration debate: A case study in the politics of representation*. *Discourse & Society*, 8(2), 249-270.
40. Ministry of Security of Bosnia and Herzegovina. 2024. *Bosnia and Herzegovina Migration Profile for the year 2023*. Available at: <https://www.msb.gov.ba/PDF/160820244.pdf>
41. Miron, L. 2020. *Reframing Immigration through Religious Advocacy: Rhetoric, Cosmopolitanism, and the Divine*.
42. Mudde, C. 2019. *The 2019 EU elections: Moving the center*. *Journal of Democracy*, 30(4), 20-34.
43. Muro, D. R. 2024. *Navigating Narratives: Immigrant and Refugee Lived Experiences, Counternarratives, and Social Connections in an Era of Securitization of Migration* (Doctoral dissertation, University of Massachusetts Boston).
44. Phillips, D. 2023. *A Critical Analysis Of Political And Media Discourse On Immigration During The Trump Era*.
45. Pieterse, J. N. 2015. *History and hegemony: the United States and twenty-first-century globalization*. In *The Routledge International Handbook of Globalization Studies* (pp. 111-127). Routledge.
46. Póczik, S., & Sárík, E. 2018. *Law and (B) Order: Will Border Fence and Transit Zones Stop the Asylum Seekers' Wave on the Balkan Route?*. *Refugees and migrants in law and policy: Challenges and opportunities for global civic education*, 75-109.
47. Prakash, S. 2017. *President Trump's Declaration of War Against Syria*. Available at: <https://www.law.virginia.edu/scholarship/publication/saikrishna-prakash/642716>
48. Proroković, D. 2020. *Russian Vector in Serbian Politics: Impact and Outcomes on Regional Relations*. *Security Challenges and the Place of the Balkans and Serbia*. pp. 196-211. Available at: https://doi.org/10.18485/iipe_balkans_rssc.2020.ch13
49. Quinonez, E. S. 2018. *Welcome to America: a critical discourse analysis of anti-immigrant rhetoric in Trump's speeches and conservative mainstream media*.
50. Olejárová, B. 2018. *The Great Wall of Turkey: From „The Open-Door Policy” to Building a Fortress?* *Pogranicze. Polish Borderlands Studies*. Vol. 6 No. 2. pp. 117-133. Available at: <https://doi.org/10.25167/ppbs55>
51. Republic of Kosovo Ministry of Internal Affairs. 2025. *Publications*. Available at: <https://mpb.rks-gov.net/f/40/Publications>
52. Rizzo Lara, R. D. L. L. 2024. *Managing irregularized migration in Mexico: Rhetoric of a renewed approach*. *Journal of Borderlands Studies*, 39(3), 433-454.

53. Santino Severoni, R. H., Puthoopparambil, S., Alderslade, R., Annunziata, G. D., Byadya, R., Cornacchione, V., ... & Welch, M. J. 2022. *World report on the health of refugees and migrants*.
54. Strauss, S., & Feiz, P. 2013. *Discourse analysis: Putting our worlds into words*. Routledge.
55. Trauner, F. 2018. *Asylum policy: the EU's 'crises' and the looming policy regime failure*. In *EU Policies in Times of Crisis* (pp. 93-108). Routledge.
56. Trucios-Haynes, E., & Michael, M. 2018. *Mobilizing a Community: The Effect of President Trump's Executive Orders on the Country's Interior*. *Lewis & Clark L. Rev.*, 22, 577.
57. US Department of State. 2016. *2016 Report on International Religious Freedom: Bosnia and Herzegovina*. Available at: <https://www.state.gov/reports/2016-report-on-international-religious-freedom/bosnia-and-herzegovina/#:~:text=According%20to%20the%20results%2C%20Sunni,and%20Jews%2C%20approximately%203%20percent>.
58. US Department of State. 2021. *2021 Report on International Religious Freedom: Albania*. Available at: <https://www.state.gov/reports/2021-report-on-international-religious-freedom/albania/>
59. US Department of State. 2022. *2022 Report on International Religious Freedom: Kosovo*. Available at: <https://www.state.gov/reports/2022-report-on-international-religious-freedom/kosovo/#:~:text=According%20to%20the%202011%20census,constituting%20less%20than%201%20percent>.
60. UN DESA. 2024. *International Migrant Stock*. Available at: <https://www.un.org/development/desa/pd/content/international-migrant-stock>
61. UNHCR. 2024. *UNHCR Submission for the Universal Periodic Review – North Macedonia – UPR 46th Session (2024)*. Available at: <https://www.refworld.org/policy/upr/unhcr/2024/en/149087>
62. UNHCR Operational Data Portal 2025. *Ukraine Refugee Situation*. Available at: <https://data.unhcr.org/en/situations/ukraine>
63. UNICEF. 2021. *Overview: Gender-based violence programme. Serbia – Refugee and migrant response*. Available at: https://www.unicef.org/eca/media/18131/file/GBV_Serbia_Factsheet__September_2021.pdf
64. Van Dijk, T. A. 2015. *Critical discourse analysis*. The handbook of discourse analysis, 466-485.
65. White House. 2025. *Border & Immigration*. Available at: <https://www.whitehouse.gov/issues/border-immigration/>
66. Wodak, R. 2015. *Critical discourse analysis, discourse-historical approach*. The international encyclopedia of language and social interaction, 3.
67. Wodak, R. 2021. *From post-truth to post-shame: Analyzing far-right populist rhetoric*. Approaches to discourse analysis, 175.
68. World Migration Report 2022
69. Zúquete, J. P. 2018. *From left to right and beyond: The defense of Populism*. In *Routledge handbook of global Populism* (pp. 416-434). Routledge.



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Securitization Theory Insights on the Formation of an EU Army

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Abstract

This paper analyzes the narrative securitized by Eurofederalists in support of establishing an EU army. The main objective is to identify and categorize the assertions employed by securitizing actors in their speech acts, examined through the framework of securitization theory. To assess the impact of this securitized narrative, the study evaluates its reception among the EU public before and after the outbreak of the war in Ukraine. The research reveals that securitizing actors cluster their assertions around four advantages: strategic, political, societal, and economic. Furthermore, the findings indicate that by framing these advantages within their narrative, securitizing actors have successfully influenced public opinion in the EU to favor the establishment of an EU army.

Keywords

Eurofederalists; EU Army; Securitization Theory; Speech Acts; Public Opinion; Ukraine War; Strategic, Political, Societal, and Economic Advantages

INTRODUCTION

Ever since the former President of the European Commission, Jean-Claude Juncker, gave an interview to the German newspaper *Welt* on 8 March 2015—during which he stated that the EU needs a European Union army (EU army) to deter possible attacks on Member States, respond credibly to threats against the EU, and send a message to Russia that the EU is prepared to defend its European values (Balzli, Schiltz, and Tauber 2015)—two opposing securitized discourses have emerged among the main stakeholders of the international security system. One discourse argued that establishing an EU army is an urgent necessity due to the unstable security situation along the EU's borders, which poses a threat to both the EU and its values. The opposing discourse claimed that creating an EU army is a threat in itself, as it could exacerbate existing insecurities in the international security system, undermine the North Atlantic Treaty Organization (NATO), and erode the sovereignty of EU Member States. Some relevant opinions on this debate are outlined below.

It is important to note that the call for an EU army was not entirely new. The first concrete proposal for establishing a European army was made by French Prime Minister René Plevin in 1950. His Plevin Plan envisioned the creation of a European Defense Community (EDC), thereby laying the groundwork for a common EU army.

The prominent Eurofederalist Altiero Spinelli (1951) wrote the Union of European Federalists (UEF) Memorandum on the provisional report presented in July 1951 by the conference for the organization of the European Defense Community. In it, he stated that the



European Army must be under a sovereign European body, i.e., a state. This ideological framework underpins the Eurofederalists who have securitized the establishment of the EU army, headed by former President of the European Commission Jean-Claude Juncker. If they succeed in establishing an EU army, they will have effectively created a sovereign European state. For almost half a century, the idea of an EU army remained just a concept. However, in 1993, France and Germany activated the multinational military corps Eurocorps as the first concrete attempt to establish a united European force following the collapse of the European Defense Community. However, Eurocorps is not part of the EU security architecture, despite being operational since 1995 with approximately 1,000 military personnel. While the idea of an EU army was not new, the urgent call for its establishment, as articulated by the President of the European Commission, was unprecedented. This urgency, expressed by Juncker (2015, 2016, 2017, 2018) initially in the aforementioned interview and later in his State of the Union speeches to the European Parliament, was officially reflected in the document “A Global Strategy for the European Union’s Foreign and Security Policy” with the following words:

We live in times of existential crisis, within and beyond the European Union. Our Union is under threat. Our European project, which has brought unprecedented peace, prosperity and democracy, is being questioned. To the east, the European security order has been violated, while terrorism and violence plague North Africa and the Middle East, as well as Europe itself (European External Action Service 2016, 7).

This discourse aims to convince the EU public that establishing an EU army is unquestionably necessary due to the existential threats facing the Union.

The research question that this paper seeks to answer is: What advantages did securitizing actors use in their narrative to further their securitization of the need for an EU army, and did emphasizing these advantages lead to a change in public opinion in the EU?

This paper’s main objective is to identify and outline the key advantages of establishing an EU army within the securitized narrative of Eurofederalists. The success of a securitized narrative depends on clear and explicit answers to the question: Why is the EU army needed?

Organizing a securitized narrative with simple answers to the main question helps the public understand the narrative and become more accepting of the proposed solutions to the existential threat.

It is worth mentioning that the research was conducted prior to the potential second term of Donald J. Trump as President of the United States. This study highlights the significance of securitization theory in the context of establishing an EU army. Securitization theory serves as a valuable tool for researchers seeking to understand politicians’ motives, as their words often provide the primary evidence for analysis.

LITERATURE REVIEW

Many scientists and numerous institutions have published diverse opinions on the reasons for establishing an EU army. They also questioned the idea from different perspectives. Each view was formed under a specific time and context of security threats. In the following section, we will summarise the most important opinions for this research paper.

Sven Biscop and Jo Coelmont (2012) examine in their book, "Europe, Strategy and Armed Forces: The Making of a Distinctive Power," how the European Union can pursue a grand strategy and become a distinct global actor in a world of emerging great powers. The authors are convinced that, at the grand strategic level, its sheer economic size makes the EU a global power. However, the EU needs to consider that many international actors continue to measure power primarily by assessing military capability. Therefore, the EU must become a global military power to preserve its status as an economic power. The next book, "The Routledge Handbook of European Security," brings a somewhat different perspective on the development of common EU military capabilities. Key experts from the academic and policy worlds, specializing in European security, examine the European Union as an international security actor. The authors recognise that the EU has gradually emerged as an autonomous actor in the security field, aiming to preserve European security by improving global security. However, from the perspective of the Member States, the development of the EU as a security factor has undoubtedly not gone unchallenged, with some seeing the rise of the EU as a threat to their national and/or transatlantic political views (Biscop and Whitman 2013).

The report "Preparing for Complexity – The European Parliament in 2025," presented in 2012 by the Secretary General of the European Parliament, Klaus Welle, identified a core set of problematic issues in EU defense policy: (a) duplication, (b) the absence of a common strategic vision, and (c) the lack of a clear long-term outlook. This document was presented to the President of the European Parliament, the Members of the Bureau, the Quaestors, and the Directors-General during the "Awaydays" meeting held in La Hulpe, Belgium, in January 2012.

However, even before this report, Ballester (2013) had highlighted the critical juncture at which Europe stood in defining its defense policy. He emphasized that this was a decisive moment for both the military structures of EU Member States and the defense industry that supports them. According to Ballester, there is a tangible cost to the so-called "non-Europe"—the consequence of operating at the national level rather than through a unified European framework (p. 7). He warned that this cost would continue to rise, particularly in three key areas: the lack of integration among the military structures of Member States, the absence of a truly integrated defense market, and the ongoing duplication of efforts.

Europe's persistent underperformance in the military field stems from a range of factors. This situation is far from satisfactory and calls for a fundamental shift in approach. In response to these challenges, the Chaillot Paper titled "Envisioning European Defence: Five Futures" (2016), authored by Jan Joel Andersson, Sven Biscop, Bastian Giegerich, Christian Mölling, and Thierry Tardy, outlines five possible scenarios for the future of European defense: Bonsai Armies, Defense Clusters, Peace Operations, European NATO, and an EU Army. These scenarios offer plausible and coherent visions of what European defense could evolve into in the near future.

Against the backdrop of accelerating global changes, and especially following significant developments in 2016, High Representative Federica Mogherini presented the "Global Strategy for the European Union's Foreign and Security Policy" to the European Council. Just days later, the United Kingdom introduced a major internal challenge to the EU by voting to leave the Union. In this context, Sven Biscop (2016) argued that the EU should remain committed to enhancing its global strategic vision and capabilities, referring to this evolving approach as "realpolitik with European characteristics."

Another noteworthy contribution is the book “Strategic Autonomy and the Defense of Europe: On the Road to a European Army?” by Bartels, Kellner, and Optenhögel (2017), which provides valuable insights into the political, academic, and public debates surrounding European defense and the development of a more robust Common Security and Defense Policy (CSDP). The book presents comprehensive data and trends on defense spending, military modernisation, and multilateral cooperation across EU Member States. It identifies the key forces shaping both national and European security and defense policies, while also highlighting the progress achieved thus far. Importantly, it offers concrete recommendations for advancing European strategic autonomy. What sets this book apart is its structure. Each chapter is authored by experts from the respective Member States, offering authentic, in-depth perspectives that reflect the unique dynamics and policy priorities of each country.

Guillermo Revilla Arjona (2020) questions the feasibility and desirability of creating a common European army, particularly in light of the deterioration of EU–US relations and the emergence of new security threats. He acknowledges that the EU has achieved an unprecedented level of integration in security and defense since the beginning of its Member States’ cooperation in this area. However, he expresses concern that further militarization of the Union could undermine its traditional role as a “civilian power”—a role rooted in addressing conflicts through nonviolent means, which may, in turn, jeopardize both the stability of its neighborhood and its security.

In contrast, Vojtech Jurčák and Peter Poláček (2022), drawing on a historical analysis of the rationale for establishing a joint European army and the current security imperatives—particularly in the context of the Russia–Ukraine conflict—advocate for the creation of a unified European military force. They argue that such a development is essential for deepening EU defense integration and would position the Union as a significant global actor in promoting peace and security worldwide.

METHODS

This paper is grounded in securitization theory, as developed by scholars of the Copenhagen School, including Barry Buzan, Ole Wæver, and Jaap de Wilde. According to this theoretical framework, securitization is defined as a “speech act” through which a securitizing actor presents a particular issue—previously considered merely politicized within the political or public sphere—as an existential threat to a referent object, thereby justifying the adoption of extraordinary measures. However, a speech act alone does not constitute securitization; it only becomes a successful act of securitization if the targeted audience accepts the proposed narrative as a legitimate security concern. To determine whether a specific narrative qualifies as an act of securitization, the theory relies on discourse analysis and public opinion analysis.

The key elements of securitization include the securitizing actor, the referent object, the public (audience), functional actors, and the context. This paper focuses on the role of context within the securitizing narrative, recognising that a speech act is never an isolated factor in the securitization process. Instead, it depends on a range of historical, political, societal, economic, geographic, and other variables that resonate with the public and shape their perception of the issue. Unlike traditional security studies (TSS) and critical security studies (CSS), securitization theory does not evaluate whether the issue presented through the speech act objectively

constitutes a security threat. Instead, it examines how the issue is framed as a security concern—how the speech acts construct the perception of a threat. Given this, the context in which the narrative is embedded is of crucial importance. Through discourse analysis of securitizing actors, this paper identifies the dominant contextual elements used to securitize the establishment of an EU army. These elements are organized into four main thematic clusters, representing four key perceived advantages of creating a unified European military force.

An issue can only be considered a security threat if the target audience accepts it as such. To assess whether the public successfully accepted the securitizing narrative, this paper examines changes in public opinion following the articulation of the securitizing discourse.

To measure public acceptance, the study draws on general opinion polls conducted among EU citizens. The European University Institute–YouGov Survey on Solidarity in Europe was selected as the primary data source, as it was conducted both before and after the onset of the Russian war on Ukraine. Notably, the survey posed a direct and highly relevant question for this study: “Would you support or oppose the creation of an integrated EU army?”

For the analysis of speech acts, the paper relies on publicly available interviews with EU officials and official EU documents. For the analysis of public opinion, the results of the aforementioned survey are used to compare public sentiment toward the idea of a European army before and after the conflict began.

SECURITIZATION OF THE ADVANTAGES OF ESTABLISHING AN EU ARMY

Numerous academic papers and official EU documents have addressed the question of what should be done to achieve greater unity in the EU’s military field (Andersson et al. 2016; Andersson 2023; Ballester 2013; Bartels et al. 2017; Biscop and Coelmont 2012; Jurčák and Poláček 2022; Revilla Arjona 2020; European Commission 2017; European External Action Service 2016). Even more studies and policy briefs have analysed the challenges inherent in this task. Nevertheless, as former Chair of the EU Military Committee, General Claudio Graziano, emphasized: “Integrating armed forces really is extremely difficult, but it’s not impossible. It starts with the political will” (Graziano 2022). To further reinforce General Graziano’s point, it is essential to recognize the key EU defense initiatives to which the Union has already committed.

In 2003, the EU established the European Rapid Reaction Force (ERRF), defined as a corps-sized formation comprising up to 15 brigades or 50,000 to 60,000 soldiers. The ERRF is militarily self-sustaining, equipped with the necessary command, control, intelligence capabilities, logistics, and other essential elements tailored to combat requirements. It is designed to be capable of deployment within 60 days (European Council 1999). The ERRF are the basis of the forces deployed under the EU flag in conflict-affected areas, starting in 2003 with the EUFOR Concordia mission in North Macedonia. The same year, the EU published its first security strategy, European Security Strategy (ESS), and from 2007, the EU Battlegroups have been on standby. They consist of 1,500 soldiers who are ready for action within 10 days, but they have not yet been deployed in the conflict-problem area.

The Treaty of Lisbon (which entered into force in 2009) incorporates and institutionalises the Common Security and Defense Policy (CSDP) into what is now the Common Foreign and Security Policy (CFSP). Importantly, the institutionalized CSDP consists of: the EU’s mutual assistance clause (Article 42(7) of the Treaty on European Union - TEU), Solidarity clause (Article

222 of Treaty on the Functioning of the European Union - TFEU), commitments to gradually shape a common EU defense policy (Article 42(2) TEU) and Permanent Structured Cooperation – PESCO Clause (Article 46 TEU). At the moment of writing this paper, 66 PESCO projects are being developed.

The European External Action Service (EEAS) was established in 2011. The High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the European Commission (HR/VP) is at the head of EEAS, which, in addition to the central office located in Brussels, consists of a network of EU embassies called EU Delegations. The second European strategy, published in 2016, is the Global Strategy for the European Union's Foreign and Security Policy (EUGS).

The EU established permanent political and military structures: The Political and Security Committee (PSC) observes the international situation and helps define policies within the CFSP, The European Union Military Committee (EUMC) composed of the Chiefs of Defense of the Member States advises the PSC on military matters, The European Union Military Staff (EUMS) shares the military expertise within the EEAS, The Politico-Military Group (PMG) does CSDP related preparatory work for the Political and Security Committee and Military planning and conduct capability (MPCC) improves the effectiveness of military missions. The EU also established EU operational centres (EU OPCEN) and a Single Intelligence Analysis Capacity (SIAC). All these structures have their counterparts for civil missions.

With the development of the CSDP, the EU established European Defense Agency (EDA) with the task of supporting the development of the defense capabilities of Member States through cooperation in research, procurement and training, European Security and Defense College (ESDC) that provides strategic education about CSDP, European Union Institute for Security Studies (EUISS) that analyses foreign policy and security and defense aspects of policy, European Union Satellite Centre (SatCen) that provides the EU with geospatial intelligence.

Intending to improve efficient defense spending, the EU established the European Defense Fund (EDF) as a support for joint research and development of defense equipment and technology, and the European Defense Industrial Development Programme (EDIDP), which regulates the development element of EU capabilities to encourage EU standardization.

In 2016, the EUISS published a special issue of the Chaillot Paper titled "Envisioning European Defence: Five Futures," presenting five scenarios for the development of the CSDP (Andersson et al. 2016).

The first scenario is the "Bonsai Army," which assumes the continuation of the CSDP policy from before 2016, meaning a further reduction of the military capabilities of the Member States' armies, and the CSDP acts only as a facilitator of cooperation.

The second scenario, "Defense Clusters," implies greater autonomy for the Union in implementing actions and translating the ambitions outlined in the documents into military obligations at both the national and supranational levels.

The third "Peace Mission" scenario presupposes the reorganization of the CSDP into a Common Security Policy (CSP), which develops as a multidimensional policy oriented towards peace missions and abandons the ambition of European defense integration and military missions.

The fourth scenario, “European NATO,” assumes a European pillar within the NATO alliance, where Member States relinquish their efforts to develop an autonomous European defense.

The fifth scenario, the “European Army,” assumes supranational cooperation in the field of defense. The EU army would be created in stages. First, several countries would form the European Defense Union (EDU), and then integrate their military personnel and equipment into the European Defense Force (EDF). The EDU would be financed from the common EU budget and would be supported by a common European armaments and equipment programme. According to this scenario, not all Member States should immediately commit to the EDU; however, the backbone should be France and Germany, along with existing institutions such as the EUMS and EDA, as well as structures like Eurocorps and EU Battlegroups.

The lack of political will among EU Member State decision-makers is the primary obstacle to the stalemate in the supranationalisation of the EU army. For that reason, EU officials firmly in the “federative EU” camp decided to securitize the establishment of the EU army to the EU public, hoping that the public would pressure their elected representatives. This concept is known as securitization and was defined by the theorists of the Copenhagen School of Security Studies (Wæver 1995; Wæver 1996; Buzan, Wæver and de Wilde 1998; Buzan and Wæver 2009; Wæver 2011) as an extreme version of politicisation: a speech act with which a securitizing actor presents to the public until now a political or non-political issue as an existential threat to referent object which thus calls for legitimating extraordinary measures.

Professor Richard J. Kilroy Jr. (2018) defines securitization in international relations as “the process by which states determine threats to national security based on subjective rather than objective assessments of perceived danger” (p. 1). Thierry Balzacq (2005) believes that the definition of the Copenhagen School of Security Studies is too narrow as he considers that: “securitization is better understood as a strategic (pragmatic) practice that occurs within and as part of, a configuration of circumstances, including the context, the psycho-cultural disposition of the audience, and the power that both speaker and listener bring to the interaction (p. 172). This broader definition is the one this paper considers.

To advance their message and persuade the public, securitizing actors must be public figures who hold a position of respect in society. Most actors advocating for the establishment of an EU army are pro-federal EU politicians at the Member States’ level, but are also prominent on the EU level. Securitizing actors in this securitization strongly believe that the EU’s future is federalism. They feel that only a completely united Union can have a substantial political impact on international relations. To achieve federalism, the EU Member States must transfer the most important token of their sovereignty – the military – from the national to the supranational level. The only way for the EU to be recognized as a global power is to have a common EU army. To transfer military power from a national to a supranational level in the EU, there needs to be a political will, i.e., leaders and the majority of members of national assemblies must be Eurofederalists. The only way to achieve that is for Eurofederalists to be elected in the national elections. As a result, the target audience, namely the public, encompasses all EU citizens. Thus, the objective of securitization—the security issue—must be relevant to citizens of every Member State in some way. To ensure this universal applicability to the large public of 450 million EU citizens, security actors employ the tool of highlighting advantages.

In the broadest sense, the existential threat refers to the perilous and unstable security situation surrounding the EU's borders. Equally significant at the global level—especially today, given advances in weaponry and the persistent nuclear threat—the global dimension increasingly impacts local security concerns.

The primary referent object of securitization is the EU and its core values. However, as will be shown in the analysis of the advantages of establishing an EU army, securitizing actors sometimes shift the focus to national or local levels when necessary, while maintaining the conviction that only a strong EU army can effectively defend these sub-level referent objects.

The sole unipolar aspect of this securitization process is the extraordinary measure required to prevent existential harm to the referent object: the establishment of the EU army.

To convince EU citizens to authorize extraordinary measures transferring European military powers from the national to the supranational level, securitizing actors use arguments highlighting the advantages. While some of these arguments are broadly shared, others are more specific to particular Member States or regions. However, all address securitization concerns relevant to citizens across every Member State. Therefore, the research identifies the following advantages of establishing an EU army:

1. Strategic Advantages of Establishing an EU Army (More Operational):

- A unified army instead of 27 national armies
- Avoiding duplication of military equipment
- Common procurement of military equipment
- Cooperation to develop necessary military capabilities

2. Political Advantages of Establishing an EU Army:

- The EU will speak with one voice in foreign policy
- Reduced reliance on the US
- Confidence in upholding Article 42.7 TEU without fear
- A much more robust and consolidated EU position within NATO

3. Societal Advantages of Establishing an EU Army:

- EU citizens will feel a strong sense of belonging to European society
- EU citizens will enjoy complete security and genuine prosperity

4. Economic Advantages of Establishing an EU Army:

- Protection of the EU's economic interests
- Development of a common European defense industry

Strategic Advantages

The foremost strategic advantage of the common EU army is its power. The united and consolidated army of 27 Member States of the EU would be more assertive and generate more significant influence than the powers of the individual troops. The most cited segment of the assumed power of the unified EU army when responding to possible military situations, as opposed to the response from 27 different national troops, is that it would be more operational, meaning that:

The US Army, and even the Russian army, uses only one type of main battle tank. We Europeans operate 17 different kinds. That creates enormous problems of maintenance and supply and of training together. Our navies and air forces have similar problems. We're talking about a total of 180 different platforms, while the United States has 30. This really is anachronistic and unacceptable, especially considering that we collectively spend more than 250 billion euros [about \$276 billion] a year on defence, which is much more than what Russia spends. Yes, we need to spend more, but we also need to spend better by avoiding such duplication (Graziano 2022).

General Graziano could have addressed the operational shortcomings of the EU's current defense and security structures without referencing the armies of the United States and Russia. The issue is not just that the EU has 17 different types of tanks and 180 different weapon systems—it is that these inefficiencies are often highlighted by comparing the EU to the US and Russia, two of the most prominent federal systems in the world. In essence, the EU's defense capabilities would be more unified and effective if the Union were structured as a federation.

For comparison, the differences between the EU, the US, and Russia are observed in Table 1. A significant number of active military personnel, as well as a military reserve, is held by the EU. Since General Graziano's quote three years ago, defense spending by the EU has doubled; however, a problem with operational effectiveness persists due to the presence of 27 different militaries and slow progress in EU standardization.

Table 1: Comparison between the EU, the US, and Russia (Sources: IISS 2025; European Commission 2017; USAFACTS 2024)

	EUROPAN UNION	UNITED STATES	RUSSIA
Active Military Personnel	1,4 million	1,3 million	766,000
Military Reserves	1,7 million	762,000	2,5 million
Defense Spending (\$)	457 billion	968 billion	145.9 billion
Main Battle Tank	17	1	1
Type of Weapon Systems	178	30	-
Type of Destroyers/Frigates	29	4	-
Type of Fighter Planes	20	6	-

Just as important is the notion that the EU spends more on defense than Russia, yet remains less effective than Russia in this regard. Russia is the country that has started a new war on European soil.

A well-rounded message finishes with the rebuttal of narratives of opponents of the establishment of the EU army, such as the 3D requirement – that the EU army would undermine NATO and thus is needless: “We have felt that it is important to do that under what we would say the three ‘Ds’ which is no diminution of NATO, no discrimination and no duplication because I think that we don’t need any of those three ‘Ds’ to happen” (Albright 1998), and 2 percent narrative – that the EU Member States and NATO Member States need to spend up to and above 2 percent of their gross domestic product on national defense: “The United States fulfills our defense responsibilities and expects others to do the same. We expect our European allies

to increase defense spending to 2 percent of gross domestic product by 2024, with 20 percent of this spending devoted to increasing military capabilities" (The White House 2017, 48).

It should be noted here that the narrative presented by US President Trump, that the EU should spend more money on military capabilities, but only at the level of Member States' military capabilities, is not recent. However, it was much more visible and audible in the first administration of President Donald J. Trump. The US administrations from 1990 onwards held the position that EU Member States should allocate more funds to military capabilities, primarily for the procurement of military equipment. However, most EU countries do not have their military industries on a large scale (IISS 2024), so if they were to try to spend 2 percent or more of gross domestic product on increasing their military capabilities, they would need to buy military equipment from the most significant military industry in NATO – the US.

The core issue for EU politicians—especially those advocating for the establishment of an EU army—is not merely the amount of money spent on military capabilities, but how that money is spent. Should each Member State individually allocate 2 percent of its GDP to defense, or should the procurement of military equipment be centralized at the supranational level? As Graziano (2022) argues in rebutting the "3D" requirement: "Yes, we need to spend more, but we also need to spend better by avoiding such duplication."

While Graziano agrees that duplication should be avoided, his meaning differs from that of US politicians when they discuss the "3Ds." For US politicians, the "3Ds" stand for no diminution of NATO, no discrimination, and no duplication within NATO. By this logic, the EU should refrain from duplicating existing military capabilities already present in NATO, even if those capabilities are primarily US assets upon which the EU depends. Graziano, however, refers specifically to avoiding duplication within the EU itself, as internal duplication undermines the EU's military operability.

A lack of military operability in the EU was a common complaint for many years, opening the door to greater efficiency and reduced spending. However, this discourse is not random, as we can read from the European Commission's factsheet published in 2017:

There are 178 different weapon systems in the EU, compared to 30 in the US. There are more helicopter producers in Europe than there are governments able to buy them. And despite the EU spending half as much as the United States on defence, we are not even half as efficient. This all points to big duplications in European defence spending (p. 1).

It should be emphasized here that the discourse promoting the strategic advantages of the EU army is organized and regulated. Further evidence can be found by following the discourse that highlights the difficulties experienced during deployment due to inoperability between Member States caused by the procurement of military equipment:

Regarding high-end military capabilities, Member States need all major equipment to respond to external crises and keep Europe safe. This means having full-spectrum land, air, space and maritime capabilities, including strategic enablers. To acquire and maintain many of these capabilities, Member States will need to move towards defence cooperation as the norm. Member States remain sovereign in their defence decisions; nevertheless, nationally-oriented defence

programmes are insufficient to address capability shortfalls (European External Action Service 2016, 45).

In the above citation, it is directly stated that the EU's defense suffers because it lacks all the necessary military capabilities and strategic enablers to respond to external crises independently. It also implies that it lacks these capabilities because it heavily relies on the US, which possesses them, and because Member States alone cannot afford to develop them. If defense programs from the Member States' level are to be elevated to the supranational EU level in the form of cooperation, it would be feasible to develop the necessary military capabilities.

Less than 3% of European troops (40,000) are deployed due to a lack of interoperability and shortages in equipment. This compares to 200,000 deployed US troops overseas (European Commission 2017). The lack of interoperability, manifested in the standardisation of equipment as well as differing capabilities among the Member States, is directly compared in this citation with the capabilities of the US. It is not only a matter of financial resources. A mindset focused on joint training and cooperation is required. When deployed together, credibility is established (Graziano 2022).

Even if every Member State achieved 2 percent of GDP spending on military capabilities, as the US urges, the Member States would still not be able to advance their military capabilities sufficiently and therefore project credible power. Nevertheless, if the Member States worked together on the supranational level, they could spend the same amount of money, achieve greater military capabilities and avoid unnecessary duplication under the EU umbrella. Based on standardisation, the Member States' troops could work and train together and, as such, be deployed together and project credible power.

Political Advantages

If the EU wants a more effective EU foreign and security policy, it must speak with one voice. The primary political advantage of establishing an EU army is that the EU would finally speak with a unified voice in foreign policy, as no country would have an independent army that could act independently.

By establishing a common EU army, the EU will be able to position itself as a strong power and will be able to impose its foreign policy by example more easily (Hill 2003, 244-245) with which it will promote its values and principles, which it is currently unable to do through the NATO alliance work because the members have diametrically different thoughts on security and NATO's role in the world (Kashmeri 2011). The primary example is the War in Iraq in 2003 and the EU's inability to have a joint stand. A more compelling example is the war in Afghanistan, where, in 2021, the withdrawal of national contingents from European countries largely depended on the United States Army's ability to provide them with logistical support and security protection. Many local workers who have worked for years for the Western allies in the field are left at the mercy of the Taliban.

When employing this advantage in the discourse, securitizing actors emphasize that with a common EU army, individual Member State governments would no longer be able to diverge from the EU's foreign policy, as they sometimes do today. A unified military would enable the EU

to present a common stance in foreign affairs, embodying the characteristics of a sovereign European state (Spinelli 1951). Although securitizing actors tend not to elaborate on the more profound implications behind phrases like “speaking with one voice” and “credibility in foreign affairs,” these slogans imply that if the EU achieves sovereignty, Member States would necessarily cede some of their sovereignty. Securitizing actors want to emphasize that by transferring sovereignty from the national to the supranational level, countries would feel more protected and empowered:

To engage responsibly with the world, credibility is vital. The EU’s credibility hinges on our unity, on our many achievements, our enduring power of attraction, the effectiveness and consistency of our policies, and adherence to our values. A stronger Union also requires investing in all dimensions of foreign policy. In particular, investment in security and defence is a matter of urgency. Full spectrum defence capabilities are necessary to respond to external crises, build our partners’ capacities, and to guarantee Europe’s safety. Member States remain sovereign in their defence decisions: nevertheless, to acquire and maintain many of these capabilities, defence cooperation must become the norm. The EU will systematically encourage defence cooperation and strive to create a solid European defence industry, which is critical for Europe’s autonomy of decision and action (European External Action Service 2016, 11-12).

The primary goal of EU federalists is a common EU army, but to achieve this, the EU must first take smaller steps that will ultimately lead to the end goal. One of the small steps is building credibility behind the words in foreign policy. Credibility, as noted in the above citation, comes from the defense capabilities of all Member States. The easiest and most straightforward way to build the credibility of the EU is to promote stronger cooperation between Member States, which would lead to greater unity. If all Member States relied on the European defense industry and EU cooperation, there would be fewer opportunities for a rogue Member State to hinder EU foreign policy goals or for a foreign power to interfere.

A key political benefit of establishing an EU army would be reducing dependence on the US, which would, in turn, impact the political positions of the individual Member States. Europeans must assume greater responsibility for their security. They need to be prepared and capable of deterring, responding to, and defending themselves against external threats. While NATO’s role is to protect its members—most of whom are European—from external attacks, Europeans must enhance their equipment, training, and organization to support these collective defense efforts effectively and to act independently when necessary (European External Action Service 2016, 19).

The issue of reducing reliance on the US can be viewed from two angles. First, the EU must develop the capability to deter any external threats independently.

Second, the EU’s trust in the US as a dependable NATO ally has diminished. In 2016, Donald J. Trump, then a Republican presidential candidate, openly declared that he would not automatically guarantee the defense of NATO’s European members (McCurry 2016) and described NATO as obsolete (Parker 2016). After becoming US president in 2017, although he did not withdraw from NATO, his rhetoric and actions caused significant concern among EU leaders, undermining the perception of the US as a reliable partner. The same situation is

unfolding again in 2024, as Trump wins the US presidency; however, this time he not only disparages NATO and EU allies but also entertains the notion of taking over Greenland, a territory of the EU (Contorno 2024).

The third political advantage would be the absence of the fear of respecting Article 42.7 Treaty on European Union, i.e., the mutual defense clause that states that the Member States are obliged to “aid and assistance by all the means in their power” (Consolidated version of the Treaty on European Union 2008) attacked Member State. However, that obligation will “not prejudice the specific character of the security and defense policy of certain Member States” (Consolidated version of the Treaty on European Union 2008).

If there were a common EU army and no individual national armies, then Article 42.7 would be unnecessary. If armed aggression occurs on the territory of one Member State, the EU’s armed forces will automatically be put into action. The specific character of particular Member States’ security and defense policies and commitments under NATO is not applicable in this case.

The fourth political advantage would be that inside NATO, the EU’s position will be much more robust and consolidated:

In this context, the EU needs to be strengthened as a security community: European security and defence efforts should enable the EU to act autonomously while also contributing to and undertaking actions in cooperation with NATO. A more credible European defence is essential also for the sake of a healthy transatlantic partnership with the United States (European External Action Service 2016, 20).

Elaborated political advantages are more prominently featured in official EU documents than in speeches delivered by federalists. Consequently, these documents adopt a cautious and measured tone. The wording consistently acknowledges NATO and emphasizes the positive nature of the partnership with the United States. Nevertheless, they do not shy away from clearly identifying the actions the EU must undertake to fully activate these political advantages.

Societal Advantages

The primary goal of establishing the EU was to eradicate the possibility of wars in Europe following the devastation of World War I and World War II. This objective recalls the historic significance of ending the division of the European continent and the necessity of creating a solid foundation for building the future of Europe (Consolidated Versions of the Treaty on European Union and the Treaty on the Functioning of the European Union 2012).

Alongside economic unification, military unification was among the first proposals. In 1950, the Pleven Plan (1950) proposed the establishment of the European Defense Community (EDC). The idea behind the EDC was not a foremost federalist idea. Still, it was born out of fear of a military re-strengthening of Germany and was backed by the United States in fear of the USSR. The Pleven plan outlines that the successful integration of European coal and steel industries would lay the foundation for the concept of a unified European defense. The French Government seeks a resolution regarding Germany’s role in forming a European force that acknowledges the harsh experiences of history while aiming toward a future envisioned by

Europeans across all nations. It suggests establishing a European army, connected to the political structures of a united Europe, for collective defense (Pleven 1950).

Although the founding agreement was signed by all members of the European Coal and Steel Community, it was not ratified by the French Parliament. French representatives refused ratification due to concerns that the European Defense Community (EDC) could threaten France's sovereignty and fears that the EDC's establishment would lead to the remilitarization of Germany. The unification of the armies, thereby elevating military forces to a supranational level, was seen as a way to strengthen the sense of belonging to a unified European society. European federalists believe that: "Only the combined weight of a true union has the potential to deliver security, prosperity and democracy to its citizens and make a positive difference in the world" (European External Action Service 2016, 16).

Modern security threats encompass not only military actions against one's territory, but also include cyberattacks and other non-military threats. Modern threats include hybrid threats, terrorism, climate change, economic volatility, energy insecurity, and the politics of fear (European External Action Service 2016, 18-19). For EU security, a threat is even if one of these threats challenges just one Member State, as the EU is an economic and political union. All Member States must act in unison in all fields to effectively combat these threats. Climate change, economic and energy insecurity, terrorism and fear know no borders.

The most prominent aspect of this discourse is the impression it leaves with the public that a true union is only a complete federal union. This discourse also places a significant portion of the burden for the future on the public. If the public chooses federalism and an EU army, only then will citizens be fully secure and live in true prosperity.

Economic Advantages

The single market is the EU's primary economic lever, enabling the free movement of people, goods, services, and capital throughout the EU. Ultimately, the EU is first and foremost an economic union. Nevertheless, in the globalist world, the economy knows no borders. Thus, the EU's economy relies on an open and fair international economic system, as well as sustainable access to the global commons (European External Action Service 2016, 8). To achieve these goals, the EU needs to help build resilient democracies, promote its values and rules-based global order around the world: "We have an interest in fair and open markets, in shaping global economic and environmental rules, and in sustainable access to the global commons through open sea, land, air and space routes" (European External Action Service 2016, 15-16).

The EU needs a strong and unified military force to protect its interests. Not all Member States will directly benefit from economic partnerships with certain non-EU countries or open access to particular commons. Still, the unified EU is much stronger in the global market. This would also be confirmed by the joint EU army, serving as the protector and enforcer of a rules-based international order, as stated: "Our security at home entails a parallel interest in peace in our neighbouring and surrounding regions" (European External Action Service, 2016, p. 15).

The status of great power is not achieved by excellence in just one area but as a combination in several areas that are integral parts of power: 1) the size of the territory and population, 2) resource wealth, 3) economic and 4) military strength, 5) political stability, and 6)

capabilities (Waltz 1993, 50). The Union has all the predispositions and possibilities to become a great power, except for its military strength.

As observed in the paragraph on strategic advantages, the current defense procurement among EU Member States is fragmented and non-operational, hindering the combined strength of their militaries. The establishment of a common European defense industry—one that is sustainable, competitive, and innovative—is essential for Europe’s strategic autonomy. Additionally, it would stimulate economic growth and create jobs (European External Action Service 2016, 46). However, the persistent lack of cooperation between Member States in the fields of defense and security:

is estimated to cost annually between € 25 billion and € 100 billion. This is because of inefficiencies, lack of competition and lack of economies of scale for industry and production (...) Since 2010, less than € 200 million has been spent each year on collaborative European research & technology in the field of defence. From 2021, we will more than triple this figure to over € 600 million (...) Around 80% of defence procurement is run on a purely national basis, leading to a costly duplication of military capabilities (...) More Europe in defence will have a positive spill-over effect on the European economy. The European defence industry generates a total turnover of € 100 billion per year and 1.4 million highly skilled people directly or indirectly employed in Europe. Each euro invested in defence generates a return of 1,6, in particular in skilled employment, research and technology and exports (European Commission 2017, 2).

Improved prospects for advancing the military industry are likely to stimulate increased activity not only within the defense sector but also across related industries throughout the Member States. Additionally, this growth will have a positive impact on non-military sectors that act as subcontractors to the defense industry.

The following section will analyze how the positive securitization of the EU army influences public opinion within the EU, with particular attention to the role of the emphasized advantages presented in the securitized narrative.

LITMUS TEST: THE RUSSIAN INVASION OF UKRAINE

Former President of the European Commission, Jean-Claude Juncker, initiated a positive securitization of the establishment of the EU army in 2015, asserting that the EU urgently needs a joint army due to existential threats on its borders, among others, including Russia. Russia fulfilled Juncker’s prophetic stance in 2022 by invading Ukraine and becoming an aggressor on Europe’s soil and the borders of the EU.

Among the reasons Russia attacked Ukraine was Ukraine’s attempt to sign an association agreement with the EU in 2014, as well as the fear of Ukraine joining NATO and the presence of multinational forces in Eastern European Member States. Behind those well-known and stated reasons, there is also a clash of identities, as European and Russian identities have different values and priorities in international and domestic politics. Since Russia perceives its internal security as equivalent to the regime’s security, any attempt to cooperate with the EU is considered a threat to the government due to the ideas that may be spread through

cooperation. Ukraine's decision to cooperate with the EU in 2014 was seen as a line that should not be crossed and a danger to the regime.

However, every action provokes a reaction. The military threat on the EU's borders compelled the EU public to consider the advantages that a joint EU army would bring, as well as its implications for the EU's interests and identities. As shown in Figure 1, according to the 2022 European University Institute YouGov survey on solidarity in Europe,¹ support for creating an integrated European army increased after Russia invaded Ukraine.

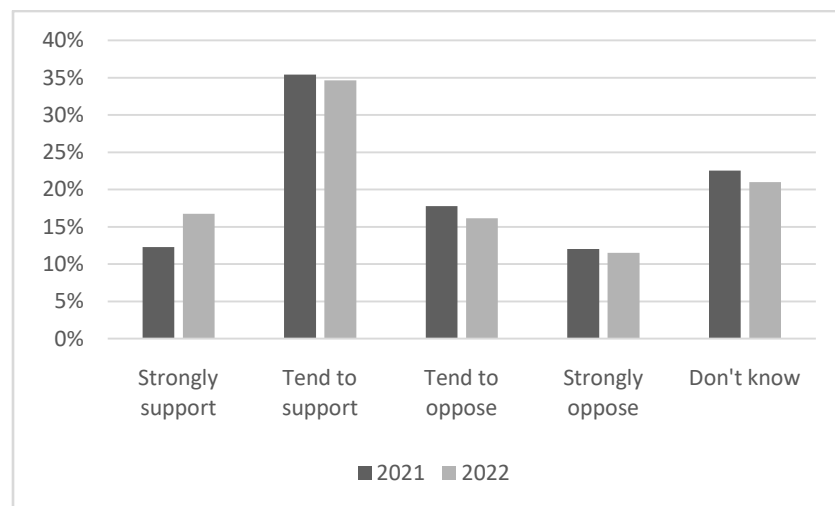


Figure 1: Would You Support or Oppose the Creation of an Integrated European Army?
(Source: Hemerijck, Genschel, Stolle, Cicchi, Russo and Nasr 2022)

Public opinion is critical in healthy democracies. Although political elites make decisions, they remain attentive to the general public and are highly motivated to avoid political backlash (Genschel, Leek, and Weyns 2023, 4).

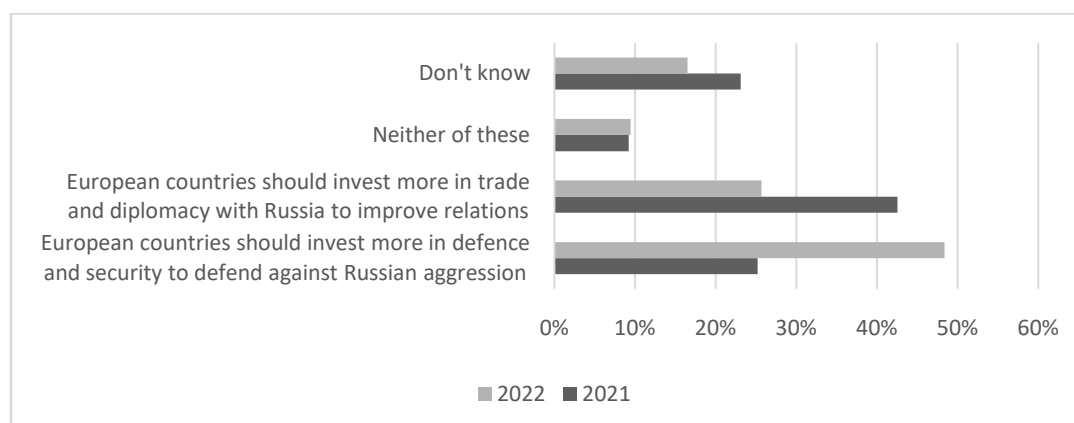


Figure 2: Thinking About the EU's Relationship with Russia: Which Approach Would You Prefer European Countries to Take? (Source: Hemerijck et al. 2022)

¹ For further information, please visit: <https://datacatalogue.cessda.eu/?keywords%5B%5D=european%20security>

In Figure 2, a shift in public opinion within the EU can be observed regarding the *status quo* versus increased investment in EU defense before and after the Russian invasion of Ukraine. In 2021, support for greater investment in trade and diplomacy with Russia to improve relations was 18 percentage points higher than support for increased investment in defense and security against Russia. However, following the 2022 invasion, this trend reversed across all EU Member States and voter groups (Genschel, Leek, and Weyns 2023).

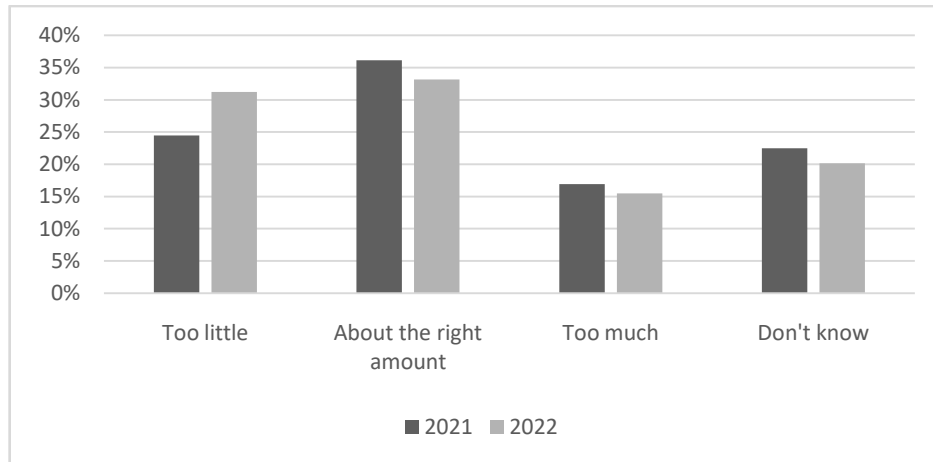


Figure 3: Do You Think That Your Country Currently Spends Too Little on Defense, Too Much on Defense, or About the Right Amount? (Source: Hemerijck et al. 2022)

Similar to Figure 2, Figure 3 illustrates a significant shift in the EU public's opinion on defense spending following the Russian invasion of Ukraine. Germany has announced a dramatic increase in its defense budget—an unprecedented development. The 2024 budget plans to raise defense spending by €1.7 billion to approximately €51.8 billion, aiming to meet the target of allocating 2% of GDP to defense (The Associated Press 2023).

However, Germany is not alone. All EU Member States intend to increase their defense expenditures by 2025 to around €70 billion. Concurrently, numerous contracts for arms and military equipment were signed by the European defense industry in 2022 (Andersson 2023).

Ultimately, political elites have swiftly mobilized to strengthen EU defense. As General Graziano noted, the war in Ukraine “gives an incredible push to building a more concrete and credible European defense union. And a defence union is really the only possible answer to this crisis” (Graziano 2022).

CONCLUSION

A call for the establishment of an EU army, based on securitization theory, i.e., identifying the relevant public (EU citizens), an existential threat (Russia), and the proposed solution (establishment of an EU army), was successful, as evident in Figure 1. We can also detect the change in public opinion through Figures 2 and 3. These figures identified the advantages of establishing the EU army, promoted by securitizing actors in the securitization process. The EU public recognized that a Member State cannot contend alone in the international security

system but can as an EU. Moreover, to be more relevant globally, it needs to be more operational, just as the securitizing actors pointed out from 2016 onwards.

Over the years, but mainly during the crisis in Ukraine, the EU public also noted that the EU needs to speak with one voice in foreign policy. The most straightforward way to manage this is not to have Member States with independent armies, but to have a single EU army, work out its differences, and come to united decisions. Establishing the EU army would automatically render Article 42.7 of the Treaty on European Union redundant. The EU army would also help the EU cut its reliance on the US, and the EU's position inside NATO would be much more robust and consolidated. One of the main ideas behind the joint EU army is eradicating the possibility of wars in Europe. Still, it would also be a bonding act, fostering a sense of belonging within European society. In conclusion, the EU public recognized that the EU was initially intended as an economic union; therefore, establishing the EU army would be instrumental in protecting the EU's global and local economic interests and supplementing solid economic output through a common European defense industry.

The securitizing actors rightfully decided that to push public opinion in their favour, they needed to employ more substance behind the idea of establishing the EU army. The bare idea of the EU army was not enough for the majority of the public, as the counterargument—that the establishment of the EU army would end one country's sovereignty—played a significant part in the general public's reluctance to support the establishment of the EU army. By utilizing arguments that the general public felt strongly about that this paper categorized into four clusters: strategic, political, societal, and economic, and showed them as advantages of establishing the EU army and disadvantages of the divided nation armies, the securitizing actors employed the same tactics of fear used by the counter securitizing actors who cautioned against the establishment of the EU army.

The general public is continually concerned about the use of money and its proper allocation. The securitizing actors, therefore, warned through their speeches that the national armies of the Member States are not sufficiently operational and thus the Member States and the EU as a whole dissipate money that could be used more efficiently if there is a common EU army. A common EU army would also protect the interests of the EU market, as the goods and services needed for the development of the military industries would be sourced within the EU market.

Using the threat of belligerent Russia and the US wavering foreign politics, the securitizing actors warned about the EU's precarious position between the two military powers. An efficient and strong army is not just needed for waging wars, but as a deterrent.

Research for this paper finished before the November 2024 elections in the US and President Trump's second term in office. However, with a change of current global security situation primarily because of president Trump's erratic statements about annexing Canada and Grenland, hinting that he would not object for the US to leave NATO, expressing kinship with Russian President Vladimir Putin, accusing Ukraine of starting the war with Russia, and last but not least his continuous assertions that the EU is somehow exploiting the US, the Eurofederalist dreamabout establishing the EU Army cannot be closer.

In the current global security situation, Russia is waging a war of conquest in Ukraine and threatening the Baltic states and Poland. On the other side, the US is engaging in economic competition and is even threatening Denmark with the annexation of Greenland. Even the most

staunch defenders of national sovereignty should recognize the need for closer and more standardized collaboration between Member States' militaries. Eurofederalists have good reason to believe or expect that the establishment of an EU army is just around the corner.

Words are powerful; when used deliberately, they can move mountains or persuade people to see the narrator's point of view. By carefully dissecting sentences and placing them in their proper context, one can uncover the narrator's underlying motivations. The securitization theory is critical in today's world for understanding the intentions behind speeches before any actions are taken.

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REFERENCES

1. Albright, Madeleine. 1998. *Press Conference by US Secretary of State Albright*. NATO Online library, 8 December 1998. Available at: <https://www.nato.int/docu/speech/1998/s981208x.htm> (Accessed: 25 September 2023).
2. Andersson, Jan Joel, Biscop, Sven, Giegerich, Bastian, Mölling, Christian, and Tardy, Thierry. 2016. *Envisioning European Defence – Five futures. Chaillot Paper, 137*. Paris: European Union Institute for Security Studies. Available at: https://www.files.ethz.ch/isn/196700/Chaillot_Paper_137.pdf (Accessed: 25 September 2023).
3. Andersson, Jan Joel. 2023. *Buying Weapons Together (or not). Joint Defence Acquisition and Parallel Arms Procurement*. Paris: European Union Institute for Security Studies, 3 April 2023. Available at: <https://www.iss.europa.eu/content/buying-weapons-together-or-not> (Accessed: 25 September 2023).
4. Ballester, Blanca. 2013. "The Cost of Non-Europe in Common Security and Defence Policy." Brussels: European Parliamentary Research Service. [online].DOI: 10.2861/28157. Available at: https://www.europarl.europa.eu/RegData/etudes/etudes/JOIN/2013/494466/IPOL-JOIN_ET%282013%29494466_EN.pdf (Accessed: 25 September 2023).
5. Balzacq, Thierry. 2005. The Three Faces of Securitization: Political Agency, Audience and Context. *European Journal of International*, 11(2): 171–201. Available at: https://www.academia.edu/64764633/The_Three_Faces_of_Securitization_Political_Agency_Audience_and_Context (Accessed: 15 April 2025)
6. Balzli, Beat, Schiltz, Christoph, Band Tauber, André. 2015. "Halten sie sich an frau Merkel. Ich mache das!" *Welt*, 8 March 2015. Available at: <https://www.welt.de/politik/ausland/article138178098/Halten-Sie-sich-an-Frau-Merkel-Ich-mache-das.html> (Accessed: 25 September 2023).
7. Bartels, Hans-Peter, Kellner, Anna Maria and Optenhögel, Uwe. (eds.) 2017. *Strategic Autonomy and the Defence of Europe: On the Road to a European Army?* Bonn: Verlag J. H. W. Dietz Nachf. GmbH.
8. Biscop, Sven and Coelmont. Jo. 2012. *Europe, Strategy and Armed Forces: The Making of a Distinctive Power*. London and New York: Routledge.
9. Biscop, Sven and Whitman, Richard (eds.). 2013. *The Routledge Handbook of European Security*. London and New York: Routledge.
10. Biscop, Sven. 2016. "The EU Global Strategy: Realpolitik with European Characteristics," *Security Policy Brief*, 75 (2): 1-6.
11. Buzan, Barry, Wæver, Olleand, de Wilde, Jaap. 1998. *Security: A New Framework for Analysis*. Boulder and London: Lynne Rienner Publishers.
12. Buzan, Barry, and Wæver, Olle. 2009. "Macrosecritization and Security Constellations: Reconsidering Scale in Securitization Theory." *Review of International Studies* 35: 253-276.DOI:10.1017/S0260210509008511
13. Consolidated version of the Treaty on European Union. 2008. Official Journal 115. 5 September 2008. Available at:<https://eur->

- lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0013:0045:EN:PDF. (Accessed: 25 September 2023).
14. Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union. 2012. Official Journal C 326, 26 October 2012. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M%2FTXT>. (Accessed: 25 September 2023).
15. Contorno, Steve. 2024. "Trump is teasing US expansion into Panama, Greenland and Canada" *CNN*, 23 December 2024. Available at: <https://edition.cnn.com/2024/12/23/politics/trump-us-expansion-panama-canada-greenland/index.html> (Accessed: 28 December 2024).
16. European Commission. 2017. *Defending Europe: The Case for Greater EU Cooperation on Security and Defence*. Brussels. Available at: <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.idoportugal.pt/wp-content/uploads/2017/11/defending-europe-factsheet.pdf> (Accessed: 25 September 2023).
17. European Council. 1999. *Helsinki European Council, 10-11 December 1999*. Presidency Conclusions. Available at: http://www.europarl.europa.eu/summits/hel2_en.htm. (Accessed: 17 January 2024).
18. European External Action Service. 2016. *A Global Strategy for the European Union's Foreign and Security Policy. Shared Vision, Common Action: A Stronger Europe*. Brussels. Available at: https://eeas.europa.eu/sites/eeas/files/eugs_review_web_0.pdf. (Accessed: 25 September 2023).
19. Genschel, Philipp, Leek, Lauren and Weyns, Jordy. 2023. "War and Integration. The Russian Attack on Ukraine and the Institutional Development of the EU," *Journal of European Integration*, 45 (3): 343-360. DOI:10.1080/07036337.2023.2183397
20. Graziano, Claudio. 2022. "Is an EU Army Coming? Russia's war in Ukraine is turning the European Union into a serious military player." Interview by Elisabeth Braw. *Foreign Policy*. 20 March 2022. Available at: <https://foreignpolicy.com/2022/03/20/is-an-eu-army-coming>. (Accessed: 21 June 2023)
21. Hemerijck, Anton, Genschel, Philipp, Stolle, Dietlind, Cicchi, Lorenzo, Russo, Luís and Nasr, Mohamed. 2022. *EUI-YouGov SiE Survey on Solidarity in Europe: Trendfile and Yearly Datasets*. EUI Research Data. Robert Schuman Centre for Advanced Studies. Available at: <https://hdl.handle.net/1814/72778>. (Accessed: 13 August 2023.)
22. Hill, Christopher. 2003. "What Is to Be Done? Foreign Policy as a Site for Political Action." *International Affairs* 79(2): 233-255.
23. IISS. 2024. European Defence-Industrial Capability. International Institute for Strategic Studies. Available at: <https://www.iiss.org/publications/strategic-dossiers/european-defence-industrial-capability/> (Accessed: 15 April 2025)
24. IISS. 2025. Defence Spending and Procurement Trends. International Institute for Strategic Studies. Available at: <https://www.iiss.org/publications/the-military-balance/2025/defence-spending-and-procurement-trends/> (Accessed: 15 April 2025)
25. Juncker, Jean-Claude. 2015. "State of the Union address 2015. Time for Honesty, Unity and Solidarity." Speech at European Parliament. *European Commission Press Release Database*. 9 September 2015. Available at:

- https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_15_5614 (Accessed: 13 August 2023)
26. Juncker, Jean-Claude. 2016. "State of the Union address 2016. Towards a Better Europe - a Europe that Protects, Empowers and Defends." Speech at European Parliament. *European Commission Press Release Database*. 14 September 2016. Available at: https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_16_3043. (Accessed: 13 August 2023)
27. Juncker, Jean-Claude. 2017. "State of the Union address 2017." Speech at European Parliament. *Publications Office of the European Union*. 13 September 2017. Available at: https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_17_3165. (Accessed: 13 August 2023).
28. Juncker, Jean-Claude. 2018. "State of the Union address 2018. The Hour of European Sovereignty." Speech at European Parliament. *European Commission Press Release Database*. 27 August 2018. Available at: chrome-extension://efaidnbnmnibpcajpcglclefindmkaj/https://commission.europa.eu/system/files/2018-09/soteu2018-speech_en_0.pdf. (Accessed: 13 August 2023).
29. Jurčák Vojtech and Poláček Peter. 2022. "The Need for the European Union Army / On Armed Forces." *Torun International Studies*. 16(2): 103-120. DOI.org/10.12775/TIS.2022.013
30. Kashmeri, Sarwar A. 2011. *The North Atlantic Treaty Organisation and the European Union's Common Security and Defense Policy: Intersecting Trajectories*. US Army War College Press. Available at: <https://press.armywarcollege.edu/monographs/572/>. (Accessed: 25 September 2023).
31. Kilroy, Richard J. 2018. Securitization. In: Masys, A. (eds) *Handbook of Security Science*. Springer, Cham. Available at: https://doi.org/10.1007/978-3-319-51761-2_11-1 (Accessed: 12 April 2025).
32. McCurry, Justin. 2016. "Trump says US may not automatically defend Nato allies under attack". *The Guardian*, 21 July 2016. Available at: <https://www.theguardian.com/world/2016/jul/21/donald-trump-america-automatically-nato-allies-under-attack> (Accessed: 25 September 2023).
33. Parker, Ashley. 2016. "Donald Trump Says NATO is 'Obsolete,' UN is 'Political Game'". *The New York Times*, 2 April 2016. Available at: <https://archive.nytimes.com/www.nytimes.com/politics/first-draft/2016/04/02/donald-trump-tells-crowd-hed-be-fine-if-nato-broke-up/> (Accessed: 10 November 2023).
34. Pleven, René. 1950. *Statement by René Pleven on the Establishment of a European Army* (24 October 1950). Centre Virtuel de la Connaissance sur l'Europe. Available at: https://www.cvce.eu/content/publication/1997/10/13/4a3f4499-daf1-44c1-b313-212b31cad878/publishable_en.pdf. (Accessed: 25 September 2023).
35. Revilla Arjona, Guillermo. 2020. "A European Army: desirable and feasible?" ResearchGate [online]. Available at: https://www.researchgate.net/publication/344775006_A_European_army_desirable_and_feasible (Accessed: 25 September 2023).
36. Spinelli, Altiero. 1951. *UEF Memorandum on the provisional report presented in July 1951 by the conference for the organisation of the European Defence Community*. Union

- of European Federalists. Available at: <https://federalists.eu/federalist-library/uef-memorandum-on-the-provisional-report-presented-in-july-1951-by-the-conference-for-the-organisation-of-the-european-defence-community-fr/> (Accessed: 16 April 2025).
37. The Associated Press. 2023. "Germany Unveils Increased Defense Budget," *Defense News*. 5 July 2023. Available at: <https://www.defensenews.com/global/europe/2023/07/05/germany-unveils-increased-defense-budget/>. (Accessed: 3 September 2023).
38. The White House. 2017. *National Security Strategy*. Washington, DC: The White House. Available at: <https://trumpwhitehouse.archives.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf>. (Accessed: 25 September 2023).
39. USAFACTS. 2024. How many troops are in the US military? Available at: <https://usafacts.org/answers/how-many-troops-are-in-the-us-military/country/united-states/> (Accessed: 15 April 2025)
40. Wæver, Olle. 1995. "Securitisation and Desecuritisation," in Lipschutz, Ronnie D. (ed.) *On security*. New York: Columbia University Press. 46-87.
41. Wæver, Olle. 1996. "European Security Identities," *Journal of Common Market Studies*, 34(1): 103-132.
42. Wæver, Olle. 2011. "Politics, Security, Theory," *Security Dialogue*, 42(4-5): 465-480. Available at: <http://www.jstor.org/stable/26301802>. (Accessed: 25 September 2023).
43. Waltz, Kenneth N. 1993. "The Emerging Structure of International Politics," *International Security*, 18(2): 44-79.
44. Welle, Klaus. 2012. *Preparing for Complexity - The European Parliament in 2025*, Brussels: European Parliament. Available at: https://www.europarl.europa.eu/pdf/SG/documents/EP2025-Preparing_for_Complexity_EN_FINAL.PDF. (Accessed: 25 September 2023).



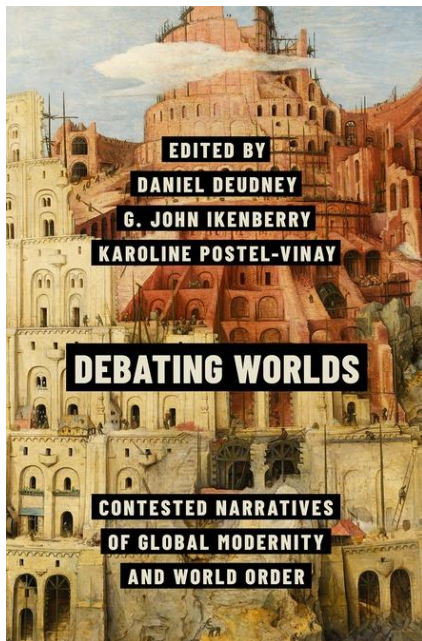
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Debating Worlds: Contested Narratives of Global Modernity and World Order

Edited by Daniel Deudney, G. John Ikenberry, and Karoline Postel-Vinay
(Publisher: Oxford University Press 2023)

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The book “Debating Worlds: Contested Narratives of Global Modernity and World Order” delivers an in-depth examination exploring the competing stories shaping global modernity and world order. Accommodating contributions from various leading experts within diverse academic fields, this book, under editing by Daniel Deudney, G. John Ikenberry, and Karoline Postel-Vinay, delivers extensive research about how both state and non-state actors fought to shape global storylines through creation and transformation within the two preceding centuries. This analysis reviews the fundamental achievements of the book alongside its methodological and thematic structures and its relevance in current global research. By examining power identity and modernity, the book delivers an enhanced understanding of international political tensions between pluralism and universalism and the complexities of world order systems.

This study investigates multiple global modernity narratives throughout history, from their emergence to contrasting developments. The contemporary world order derives its foundations from multiple parallel narratives, which produce regular conflicts among them rather than relying on Western liberal narratives alone. The international space engages with these narratives, both Western and non-Western and anti-Western, to make identities and defend agendas while mobilizing political actions.

The authors explain how international conditions during the post-Cold War years seemed to support universal liberal democracy before profound damage was done to this worldwide dream in recent times. The book reveals how multiple competing narratives now challenge global politics, which damages the former universal concept of Western modernity. Fragmentation stands out as the primary defining feature of our current era because different

conflicting narratives present alternative views about history, identity, and global prospects. The book contains nine chapters, an introduction and a conclusion. The book splits its analysis into nine separate narratives, which explore their historical roots alongside their present-day implications and development trajectory. The book examines Western-originating belief systems like Anglo-world supremacy and the Soviet revolutionary project alongside non-Western concepts, including Pan-Islamism, Chinese civilizational discourse, Japanese Uniqueness Narratives, and Indian postcolonial ideology. All narratives provide a complete understanding of different participants' roles in globalism, modernization, and international system development.

The editors of this book explain how "grand stories" function as essential means humans use to understand their earthbound status. Communities use three fundamental components in their narratives, which validate historical perspectives, deliver ideal objective functions, and execute collective activities to shape present conditions and anticipate future circumstances. The conceptual framework directs all subsequent chapter analyses of specific narrative texts. A main breakthrough emerges from this research because it demonstrates how worldwide narratives undertake ongoing evolutionary contests over time.

Duncan Bell shows through his chapter that fabricated racial superiority and cultural dominance theories enabled imperial leadership, which remains present in the contemporary Brexit movement as well as UK-US discussions. Through his academic writing, Michael Cox shows how Marxist-Leninist ideological beliefs established their opposition to Western liberal thought, which continues to guide debates about neoliberal globalization. According to the authors, the central argument of their book demonstrates how global modernity displays multiple contradictory identity statements that create constant clashes between overlapping power formations in historical space.

The main strength of this work involves its comprehensive analysis of histories beyond Western domains that typical school curricula tend to leave unexplored. Pan-Islamism operated through Islamic models of social organization to establish equal societies by using stories that dismantled racial platforms instituted by European imperial powers, according to Cemil Aydin's findings. The researchers Kei Koga and Saori Katada show the contradictions in Japan's effort to establish itself as a "liminal power" between East and West during their discussion of Japanese "uniqueness" claims. Throughout the book, the authors demonstrate how non-Western actors fought imperial Western rule while producing separate understandings of modernity based on their unique historical and traditional roots. Global international narratives depend heavily on historical memory, according to multiple chapters. Rana Mitter examines wartime mythology in China that links civilization to warfare and the post-war order to legitimize Chinese global expansion initiatives. Myths act as powerful national identity builders, which enable global leadership attainment through historical perspective integration with current goals. Karoline Postel-Vinay employs multiple perspectives to highlight the necessity of global collaboration in addressing climate change, pandemic threats, and inequality issues, while new viewpoints hinder international partnerships.

The book demonstrates the fundamental conflict between narrative independence and worldwide functional requirements since readers must grasp effective inter-group perspective integration for collective success. Academic writing about global modernity provides effective knowledge of international world-order organizations alongside global modernity aspects. Through both historical research and political science and international relations theoretical

frameworks, the author delivers detailed information about power dynamics alongside identity processes. The book presents a disruptive innovation in storytelling through which it develops an alternative method to understand worldwide political systems. Each contributing author explores global modernity's historical development and cultural challenges by analysing narratives within their corresponding periods and social contexts.

Despite its shortcomings, the work still has boundaries. A significant concern arises from how the book's focus on diverse narratives makes it challenging to explore a deep analysis of power's material systems. The book's chapters effectively examine narrative-history relations but understate how economic power and military capabilities limit available narrative spaces. The book covers many territories geographically, but omits essential areas and their respective historical perspectives. The multiple-chapter discussions of the Global South do not adequately represent African and Latin American participants, which may lead readers to seek a more detailed analysis of their role in shaping global story diversity. The recent book *Debating Worlds* examines global modernity and world order during an era of growing geopolitical division and ideological polarization. Through its studies of multiple narratives, we must question the established idea that Western liberal democracy will triumph and recognize the diverse forces that shaped our world.

The book is a comprehensive resource that provides specialists in international relations, global history, and political thought with key insights into the disruptive aspects of modernity and the influence of narratives on political behavior. Its accessible presentation style benefits students and casual readers who want to understand third-millennium world affairs through this extensive resource. Through its examination of divergent global stories, *Debating Worlds* enables us to grasp historical processes better and dream about inclusive multicultural futures. Those who want to explore the interactions of historical events with identity and power need this work as essential reading.



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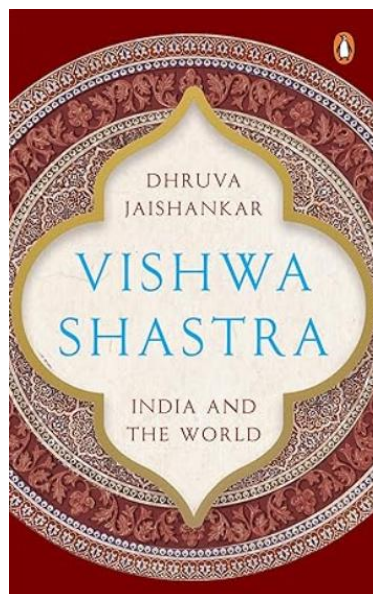
Vishwa Shastra: India and the World

By Dhruva Jaishankar (Author) (Publisher: India Viking 2024)

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Dhruva Jaishankar, a senior foreign policy expert and Executive Director of ORF America, presents a comprehensive analysis of India's international outlook in his book "Vishwa Shastra: India and the World." The book, comprising 440 pages, was published by India Viking on December 15, 2024. Through a blend of historical context, strategic analysis, and pragmatic recommendations, Jaishankar maps India's global trajectory, anchoring it between ancient wisdom and modern pragmatism. He argues that "India's rise will be defined not just by its power but by its principles," emphasizing a balance between national interests and global responsibility. The book is meticulously structured, tracing the evolution of India's foreign policy across distinct historical phases while offering insights into contemporary challenges. Jaishankar critiques the colonial period as a time when "British colonialism erased India's agency in the world," while recognizing Nehru's non-alignment policy as a strategic response to Cold War politics.

Throughout the narrative, the author seeks to highlight India's journey from an ancient civilization with deep-rooted diplomatic traditions to an emerging global power navigating the complexities of the modern world.

The first section of the book examines India's engagement with the world across five historical phases, beginning with ancient statecraft and moving through colonial subjugation to post-independence strategies. The opening chapters challenge the notion that India lacked strategic foresight, using classical texts like the Arthashastra, Manusmriti, and Nitisara to underscore India's long-standing diplomatic and governance traditions. Jaishankar introduces the term "Indianate World," describing India's extensive trade and cultural linkages with other civilizations, directly and indirectly shaping global interactions. The narrative moves from prehistoric India—marked by early human settlements in the Narmada Valley and Tamil Nadu—to the rise of settled civilizations, notably the Harappan culture. This era saw early Indo-Pacific trade, including economic and cultural exchanges with China, which began as early as 2,500 years ago during the Shang Dynasty. The diffusion of Buddhism played a pivotal role in

spreading Indian art, music, astronomy, and medical knowledge to China. This period also marks India's transition to a medieval society, as the arrival of Islamic rule, particularly under the Mughal dynasty, deepened Indo-Islamic interactions through trade, cultural exchanges, and political domination.

By 1707, the gradual decline of the Mughal Empire ushered in a period of regional fragmentation and the emergence of early modern India. This phase highlights India's engagement with groups like the Marathas, Dogras, Sikhs, and Tai-Ahoms, whose military conflicts extended to Afghanistan, Tibet, and Myanmar. The advent of British colonialism disrupted India's political, social, and economic foundations, initiating an era of exploitation and resource extraction that left long-lasting scars on the nation. Post-independence, India adopted a policy of non-alignment, focusing on domestic development rather than foreign entanglements. During this period, India prioritized economic growth, the nuclear program, and regional security. Jaishankar highlights key milestones like the 1962 war with China, the 1971 war with Pakistan, and the Peaceful Nuclear Explosion (PNE), all of which shaped India's strategic autonomy. India's intervention in Sri Lanka, the Maldives, and the broader Indian Ocean region reflected its expanding regional footprint. The economic liberalization between 1971 and 1991 marked a significant shift toward global integration while reinforcing India's strategic ambitions.

The second half of the book presents a forward-looking analysis of India's strategic priorities and foreign policy aspirations. Jaishankar emphasizes that future goals must be addressed through careful planning and pragmatic execution, focusing on four key areas: India's unique political, economic, and social circumstances, leveraging international partnerships for infrastructure and technological growth, recognizing that liberalization alone cannot resolve development challenges, and investing in national security and economic prosperity. According to Jaishankar, India's core priorities over the next decade will revolve around five strategic imperatives: accelerating domestic development to strengthen economic foundations, ensuring a stable and prosperous neighborhood through proactive diplomacy, balancing China's influence on both land and maritime domains, particularly in the Indo-Pacific, engaging with West Asia despite persistent challenges posed by Pakistan, and positioning itself as a key player within regional and global organizations.

Jaishankar's assessment of India-China relations is particularly striking. He argues that "With China, competition and cooperation have to coexist, but competition will be the dominant feature of the foreseeable future." However, while he acknowledges the challenges posed by China, the book lacks specific, actionable recommendations for addressing border disputes—a critical issue for India's national security. Field insights from border regions suggest that ground realities diverge sharply from policy rhetoric, underscoring the need for more concrete border management strategies. Despite outlining India's strategic imperatives, the book does not fully address the practical measures required to manage tensions along the India-China border. This omission is particularly significant given the ongoing border conflicts and the increasing militarization of the Line of Actual Control (LAC).

Jaishankar dedicates significant attention to India's "Neighbourhood First" policy, which remains a priority despite regional volatility caused by democratization, populism, and China's assertiveness. He emphasizes the need for enhanced regional cooperation through increased humanitarian aid, infrastructure connectivity, and people-to-people exchanges to maintain stability.

On the Indo-Pacific, Jaishankar views maritime security as non-negotiable, stating, “A secure maritime neighborhood is not an option; it is a necessity.” He advocates for stronger engagement with regional platforms like the Quad to counterbalance China’s maritime expansion. The book also discusses India’s engagement with the West, stressing the need for closer cooperation with European powers to reinforce its geopolitical standing. Jaishankar identifies technological self-sufficiency as a key goal, arguing that “Innovation is India’s next frontier in global influence.”

One of the book’s major strengths lies in Jaishankar’s four-stage model of India’s foreign policy evolution. Between 1947 and 1971, India pursued non-alignment while asserting regional leadership, exemplified by its intervention in the Bangladesh Liberation War. From 1971 to 1991, India prioritized strategic autonomy through close ties with the Soviet Union. The period from 1991 to 2008 marked a shift toward economic liberalization and global integration, while the post-2008 era reflects a multipolar approach balancing US relations with cautious engagement with China. This structured approach provides a clear framework for understanding the trajectory of India’s international relations.

However, the book falls short in offering practical solutions to pressing issues, particularly India’s border challenges with China. While Jaishankar acknowledges the failure of the Neighborhood First policy, concrete recommendations to improve cross-border relations are lacking. Furthermore, the book underemphasizes soft power dimensions such as cultural diplomacy and provides only surface-level coverage of economic diplomacy, both crucial for India’s global ambitions. A more comprehensive analysis of domestic factors influencing foreign policy decisions would further strengthen the book’s arguments.

The book “Vishwa Shastra: India and the World” is a thought-provoking and insightful contribution to India’s foreign policy discourse. Despite some gaps in practical recommendations, Jaishankar’s lucid analysis and strategic foresight offer valuable insights for both scholars and policymakers. The book reinforces a compelling argument: India’s ascent as a global power is not inevitable—it requires vision, adaptability, and sustained effort. Through careful planning and a balanced approach to regional and global challenges, India can effectively navigate its path toward becoming a leading power on the world stage.



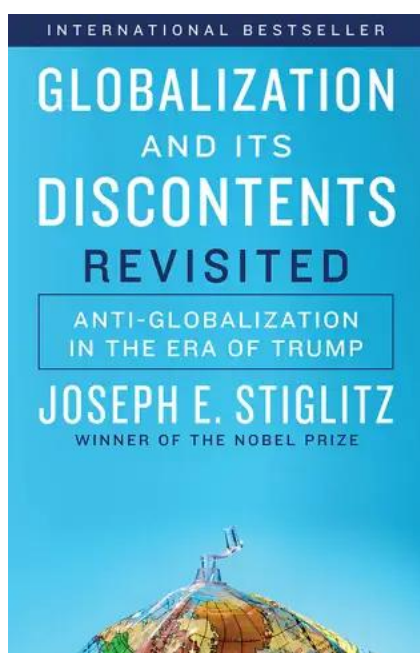
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Globalization and Its Discontents Revisited: Anti-Globalization in the Era of Trump

By Joseph E Stiglitz (Author) (Publisher: W. W. Norton & Company 2017)

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This 2017 work is a revised and expanded edition of the 2002 book “Globalization and Its Discontents” (GAID), and it synthesizes elements and analyzes the dynamics of (anti)globalization prompted by Donald Trump’s ascent to the US presidency in 2016. The book explores the inherent complexity of global economic flows and developmental dynamics dictated by these relationships, offering potential contextual solutions to issues related to inequality in negotiating positions within the “global village” regarding the (re)distribution of capital and other resources. While agreeing with many of Stiglitz’s arguments, we note that the book heavily focuses on economic theory, overlooking other visible dimensions of globalization that intersect with nearly every conceivable aspect of human activity in the modern world. Thus, alongside key analytical insights from the book, this review supplements the analysis with sociopolitical implications and repercussions.

Published by W. W. Norton & Company in late 2017, “Globalization and Its Discontents Revisited: Anti-Globalization in the Era of Trump” serves as both a continuation and an expansion of the original work. Stiglitz critically examines the promises and pitfalls of global economic integration, addressing issues like income inequality, financial instability, and the erosion of democratic governance. In this revised edition, he focuses on the Trump era, analyzing how populist movements capitalized on anti-globalization sentiments, challenging long-standing economic paradigms.

Stiglitz reaffirms that globalization has created winners and losers, exacerbating income inequality within and among nations. He underscores the need for inclusive policies to equitably distribute globalization’s benefits and stresses addressing the concerns of those left behind. Despite his deep economic expertise, Stiglitz critically evaluates the role of international financial

institutions, such as the IMF, arguing that their prescribed policies often worsen economic hardships, eroding trust in global economic frameworks.

The book examines Trump's rhetoric and policies, shedding light on the resurgence of nationalism and protectionism during economic uncertainty. Stiglitz advocates for reforms in global governance to address institutional shortcomings, proposing alternative approaches that emphasize democratic decision-making and social inclusivity in shaping global economic policies.

While not contesting Stiglitz's economic expertise—as a Nobel laureate, his authority is indisputable—we must highlight the dominant “economism/economical reductionism” within the book. This reliance on purely economic perspectives limits the analysis of globalization's broader, multifaceted nature. The accumulation of capital, though a significant driver of modern global dynamics, is not the sole factor influencing geopolitical decisions. From a political science, sociological, and anthropological standpoint, reducing globalization to economic parameters risks theoretical rigidity.

Moreover, the book's revision focuses on Trump's presidency but was written only a year into his term, before the full scope of his geopolitical influence unfolded. Considering Trump was re-elected in January 2025, a new edition may be necessary to encompass his broader impact. We believe events should be analyzed post-conclusion, not during their ongoing evolution, particularly given the fluid nature of global interconnectivity.

Additionally, the world has been navigating overlapping crises: wars, religious and cultural conflicts, mass migrations, resource shortages, economic downturns, climate change, and the COVID-19 pandemic. Political theory suggests that such devaluation and restrictive periods often lead to ideological shifts toward right-wing tendencies. The rise of “populism” is a reaction to the liberal democratic order, with Trump contributing significantly to these shifts through protectionist and impulsive policies, often lacking coherent public policy strategies.

Francis Fukuyama's “The End of History and the Last Man” (1992) posited that liberal democracy marked the endpoint of ideological evolution. However, current global realities contradict this theory, with growing opposition to liberalism, the resurgence of far-right rhetoric, the rise of authoritarian regimes, and international bodies struggling to mitigate conflicts. These developments suggest a return to ideological confrontations reminiscent of the Cold War era.

In contrast to Fukuyama, Samuel Huntington's “The Clash of Civilizations and the Remaking of World Order” (1996) offers a more accurate lens for understanding globalization. Huntington argued that post-Cold War conflicts would arise not from economic differences but from cultural and civilizational divides. As the world becomes increasingly interconnected, these cultural fault lines become the primary sources of global tensions.

“Globalization and Its Discontents Revisited: Anti-Globalization in the Era of Trump” offers a comprehensive economic analysis of globalization, particularly in the context of Trump's presidency. It effectively highlights the complexities of global economic flows and proposes solutions to address inequality. However, its heavy reliance on economic theory overlooks other crucial aspects of globalization, such as sociopolitical and cultural dimensions.

While Stiglitz's economic insights are invaluable, understanding globalization requires a multidisciplinary approach. The book's premature focus on Trump's early presidency limits the completeness of its analysis, as subsequent geopolitical events significantly shaped global dynamics. Ultimately, globalization cannot be fully comprehended through an economic lens

alone; it demands consideration of the intertwined political, cultural, and ideological factors that shape our interconnected world.

In any case, to better understand today's multipolar world and the inherent complexity introduced by the interconnectedness of globalization, the reading of this book is highly recommended. A deeper immersion into one of the focal points that have shaped the geopolitical landscape in recent years will be enabled, developments that unfolded under the leadership of the former (and, since January 2025, once again incumbent) President of the United States. A figure whose influence, if nothing else, has been marked by a capacity to reshape the increasingly fragile fabric of the world according to an unyielding vision.



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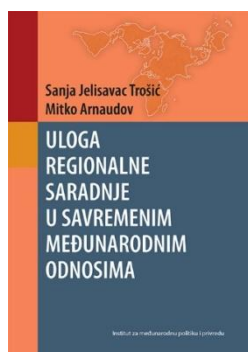
The Role of Regional Cooperation in Contemporary International Relations

Uloga regionalne saradnje u savremenim međunarodnim odnosima

By Sanja Jelisavac Trošić and Mitko Arnaudov (Authors)
(Publisher: Institute of International Politics and Economics (IIPE), Belgrade 2024)

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In the book “The Role of Regional Cooperation in Contemporary International Relations”, Sanja Jelisavac Trošić and Mitko Arnaudov examine various models of regionalism both in the theory and practice of international relations. Their analysis is grounded in the premise that regional cooperation shapes and reflects global dynamics through its impact on political, economic, and security processes. As the primary method, the authors adopt a comparative approach to models of regional economic, political, and security integration, as well as their institutional frameworks.

This approach allows them to address the following research questions: 1) Do all models of regional integration have equal capacity? 2) If not, what determinants explain differences in their efficiency and effectiveness? 3) Why are some models of regional integration more suitable to economic cooperation, others to security arrangements, and still others to political coordination? 4) Is it possible to implement these models independently of each other? 5) Finally, to what extent is each form of regional cooperation determined by further and deeper political, economic, and security integration?

The book is divided into eight chapters, followed by a concluding section offering recommendations from political, security, and economic perspectives. The first three chapters develop the theoretical and methodological framework, disciplinarily situating regionalism within the field of International Relations, and further analyzing it through the subfields of international politics, international security, and international economic relations. A critical literature review traces the shift from old to new regionalism. It clarifies that concepts such as region, regionalism, and regionalization are context-dependent and increasingly understood as dynamic. These concepts involve both state and non-state actors, going beyond mere geographic proximity.



In the fifth chapter, the authors provide a description, classification, and typology of various forms of regional economic integration in Latin America, Asia, and Africa, ranging from free trade areas and customs unions to common markets and economic unions. This analytical framework is then expanded through selected case studies of the European Union (EU), the United States–Mexico–Canada Agreement (formerly NAFTA, now USMCA), the Regional Comprehensive Economic Partnership (RCEP), and BRICS. Each of these integration models pursues distinct objectives: the EU represents the deepest form of integration; the USMCA is primarily focused on free trade; the RCEP similarly centers on free trade within the Asian region; while the BRICS connects developing economies across various regions of the world. The authors conclude that the deepening of economic integration, as exemplified by the EU, has often led to subsequent political and, to some extent, security cooperation. In contrast, other models exhibit varying degrees of success, depending on the depth of political coordination and the complexity of institutional infrastructure.

Building upon the previous chapter, the authors, in the sixth chapter, address models of political and security regional integration. Once again, the EU is taken as an example, given that it represents the most advanced form of economic union, encompassing full political and partial security integration. Additional cases examined include the Collective Security Treaty Organization (CSTO), the Visegrád Group, and the North Atlantic Treaty Organization (NATO). The EU is presented as a model that has evolved from an economic to a political union. However, in the security domain, the EU has not achieved the same level of integration due to the Member States' refusal to transfer aspects of their sovereignty in this field. The CSTO and NATO are analyzed as military alliances with differing objectives. NATO is characterized as a global actor, whereas the CSTO is limited to the post-Soviet space. The Visegrád Group serves as an example of regional political cooperation within the EU. The authors explain that geopolitical interests and historical alliances often shape security alliances. Their central challenge lies in political coordination among Member States and the preservation of sovereignty within the framework of common policies.

In the seventh chapter, the authors examine the practical dimensions of regionalism in contemporary international relations, with a particular focus on the Western Balkans (WB). The chapter is structured into three parts: economic initiatives (with emphasis on the Central European Free Trade Agreement (CEFTA), the Berlin Process, and the Open Balkan initiative), political-security initiatives with an economic orientation, and the United Nations Sustainable Development Goals (SDGs) as indicators of regional cooperation in the WB. The authors emphasize that external actors frequently drive regional initiatives in the Western Balkans, while internal obstacles—political tensions, the unresolved status of Kosovo*, and different stages of democratic consolidation—limit their reach. Despite encouraging signals, the chapter highlights the lack of concrete institutional mechanisms to sustain regional cooperation. The authors underline the importance of an integrated approach that unites politics, economics, and security, arguing that sustainable development could serve as a new foundation for regional cohesion. Without the development of coordinated regional efforts aimed at achieving the SDGs, all political entities in the region risk not only economic and social stagnation but also achieving political well-being. The chapter concludes that regional cooperation is a strategic imperative for the stability and modernization of the Western Balkans.

From the regional level, the analysis narrows to the level of the nation-state. The eighth chapter of the book examines Serbia's role in regional cooperation and integration from 2014 to 2024. Serbia actively participates in over 50 regional initiatives, utilizing them as mechanisms for economic growth and preparation for EU membership. Regional cooperation is portrayed as strategically significant within Serbia's foreign policy, particularly in the context of European integration and in response to global challenges such as geopolitical tensions and economic crises. Regional mechanisms strengthen political stability in Serbia, improve relations with neighboring countries, and help realize national interests, both directly and indirectly. Notable among these are the South-East European Cooperation Process (SEECP), the Regional Cooperation Council (RCC), and the Adriatic-Ionian Region. The authors conclude that for Serbia, regional cooperation serves not only as an instrument for EU accession preparation but has also become a platform through which it has emerged as one of the most active participants.

In the ninth chapter, the authors emphasize the multidimensional nature of regional integration in contemporary international relations. It is no longer merely a matter of trade arrangements. Now, it encompasses issues such as labor, environmental protection, inclusivity, and standardization, frequently overlapping with the normative frameworks that have traditionally belonged to multilateral organizations such as the World Trade Organization (WTO). In this context, political coordination emerges as a central factor, particularly for small and microstates, which, despite formal equality, operate within systems fundamentally shaped by economic and geopolitical power. The authors illustrate how regional integration serves as a mechanism through which these states seek to consolidate their positions and reduce their vulnerability. The example of North Macedonia illustrates the complexity of choices faced by small or microstates. Internal and external pressures have further complicated its European integration trajectory, revealing the limitations of small actors in making autonomous strategic decisions. Conversely, the coordinated approach of the Visegrád Group demonstrates that synchronized regional policy can serve as an effective model for positioning within broader integration frameworks, such as the EU. The chapter concludes that regionalism is deeply embedded in the global structure of power and interdependence, linking politics, economics, and security through integration processes that both reflect and shape the international order.

The concluding chapter of the book "The Role of Regional Cooperation in Contemporary International Relations" is devoted to the authors' final reflections and recommendations from political, security, and economic perspectives. From a political standpoint, regional cooperation primarily depends on political will. Neither geographical proximity nor shared interests can guarantee successful cooperation if political actors do not demonstrate a readiness for compromise and coordination. Using the Western Balkans as a case in point, the authors emphasize that common interests are often subordinated to national calculations and the instrumentalization of regional integration processes. Without a clear political commitment, any integrative effort remains superficial. The security perspective highlights that challenges like terrorism, migration, and cyber threats cross borders and demand regional solutions. However, cooperation is limited by traditional views of sovereignty, highlighting the need to reconceptualize security as a regional good and a precondition for the stability of each state. Finally, the economic dimension underscores the dual character of integration: while it fosters trade, investment, and reform, it can also deepen disparities between developed and underdeveloped states and regions.

Trošić and Arnaudov present a comprehensive and interdisciplinary study of regional cooperation, marked by an extensive array of empirical case studies. While the breadth of the analysis is a notable strength, it occasionally sacrifices analytical depth. This is particularly evident in cases where more rigorous institutional analysis would have enhanced the argument.

The inclusion of BRICS and NATO—entities whose transregional nature complicates their classification as regional formations—raises important questions about the conceptual boundaries of regionalism.

The book's original and policy-relevant contribution is its treatment of the Western Balkans. By aligning regional cooperation with the United Nations Sustainable Development Goals, the authors advance a forward-looking and inclusive model of integration, moving beyond EU-centric and transactional paradigms.

Overall, "The Role of Regional Cooperation in Contemporary International Relations" offers a valuable contribution to the study of regionalism. It will be of particular interest to scholars, policymakers, and students concerned with regions and regionalisms in contemporary international relations.